

C-2 Macroinvertebrates

FIELD DATA SUMMARY SHEET				
STREAM NAME: Normans Kill REACH: Westmere to Albany FIELD PERSONNEL INVOLVED: Abele, Novak				
		DATE SAMPLED: 08-09-93		
STATION	04	05	09	10
ARRIVAL TIME AT STATION	2:15	1:15	11:30	10
LOCATION	State Farm Rd.	Normans Kill Rd.	Mun. Golf Course	Dela Ave.
PHYSICAL CHARACTERISTICS				
Width (meters)	20	7	30	40
Depth (meters)	0.3	0.2	0.2	0.
Current speed (cm per sec)	83	111	63	67
Substrate (%)				
rock (> 10 in. or bedrock)	20		20	3
rubble (2.5-10 in.)	50	40	50	4
gravel (0.08-2.5 in.)	20	40	20	2
sand (0.06-2.0 mm)	10	20	10	1
silt (0.004-0.06 mm)				
clay (less than 0.004 mm)				
Embeddedness (%)	50	10	20	-
CHEMICAL MEASUREMENTS				
Temperature (°C)	18.8	20.0	22.2	21
Specific conductance (umhos)	750	758	827	81
Dissolved Oxygen (mg per l)	13.7	10.9	12.9	11
pH	8.6	8.3	8.5	8.
BIOLOGICAL ATTRIBUTES				
Canopy (%)	5	10	5	0
Aquatic Vegetation				
algae - water column				
algae - filamentous	present	present		
algae - diatoms				
macrophytes; moss			present	
Occurrence of Macroinvertebrates				
Chironomidae (midges)	X	X		
Trichoptera (caddisflies)	X	X	X	
Ephemeroptera (mayflies)	X	X	X	
Plecoptera (stoneflies)	X		X	
Coleoptera (beetles)	X	X	X	
Oligochaeta (worms)				
Other (**)	X	X	X	
ESTIMATED BIOMASS				
	medium	low	v. high	high
FIELD ESTIMATE OF WATER QUALITY				
	n/s	n/s	non	s
FIELD COMMENTS				

**scuds, crane flies, hellgrammites, fingernail clams, snails, black

C-2 Macroinvertebrates

FIELD DATA SUMMARY SHEET				
STREAM NAME: Normans Kill tributaries REACH: Altamont to Albany FIELD PERSONNEL INVOLVED: Abele, Novak				
STATION	KRUM	VLY4	BLOK	BOZN
ARRIVAL TIME AT STATION	12:30	1:40	2:40	3:35
LOCATION				
PHYSICAL CHARACTERISTICS				
Width (meters)	5	6	4	2
Depth (meters)	0.2	0.2	0.2	0.2
Current speed (cm per sec)	67	59	77	71
Substrate (%)				
rock (> 10 in. or bedrock)	20	10	20	
rubble (2.5-10 in.)	50	50	40	40
gravel (0.08-2.5 in.)	20	30	20	30
sand (0.06-2.0 mm)	10	10	20	20
silt (0.004-0.06 mm)				10
clay (less than 0.004 mm)				
Embeddedness (%)	40	30	40	20
CHEMICAL MEASUREMENTS				
Temperature (oC)	18.6	23.1	20.1	20.5
Specific conductance (umhos)	1465	888	795	518
Dissolved Oxygen (mg per l)	8.7	12.5	7.2	12.4
pH	7.9	8.7	8.2	8.4
BIOLOGICAL ATTRIBUTES				
Canopy (%)	70	50	90	10
Aquatic Vegetation				
algae - water column				
algae - filamentous				
algae - diatoms				
macrophytes; moss	present	present		abundant
Occurrence of Macroinvertebrates				
Chironomidae (midges)	X	X	X	
Trichoptera (caddisflies)	X	X	X	X
Ephemeroptera (mayflies)		X		X
Plecoptera (stoneflies)		X		
Coleoptera (beetles)		X	X	X
Oligochaeta (worms)				
Other (**)		X	X	X
ESTIMATED BIOMASS	low	-	low	medium
FIELD ESTIMATE OF WATER QUALITY	-	non	slt	n/s
FIELD COMMENTS				

** dragonflies, snails, crane flies, sowbugs, hellgrammites

C-2 Macroinvertebrates

LABORATORY DATA SUMMARY

STREAM NAME Normans Kill
DATE SAMPLED 08/09/93
SAMPLING METHOD Traveling kick

DRAINAGE 13
COUNTY Albany

STATION	04	05 *	09	10
LOCATION	State Farm Rd.	Normans Kill Rd.	Albany Mun. Golf Course	Albany - Delaware Av
DOMINANT SPECIES\% CONTRIBUTION\TOLERANCE\COMMON NAME				
Genus and species names are abbreviated here to accommodate format. Complete names are reported elsewhere in this report. Intolerant = not tolerant of poor water quality; Facultative = occurring over a wide range of water quality; Tolerant = tolerant of poor water quality.	1. Cricotopus trifasc 17 facultative midge	Baetis flavistr 16 intolerant mayfly	Sphaerium sp. 17 facultative clam	Sphaerium sp. 16 facultative clam
	2. Cricotopus tremulus 16 facultative midge	Stenelmis bicarina 12 facultative beetle	Simulium fibrin 11 facultative black fly	Gammarus sp. 10 facultative scud
	3. Hydropsyche bronta 15 facultative caddisfly	Stenelmis crenata 12 facultative beetle	Rheotany exiguus 9 facultative midge	Limnodrilus hoffmeis 9 tolerant worm
	4. Stenelmis bicarina 10 facultative beetle	Hydropsyche bronta 12 facultative caddisfly	Hydropsyche batteni 9 facultative caddisfly	Simulium fibrin 9 facultative black fly
	5. Tvetenia vitracie 6 facultative midge	Atherix sp. 9 intolerant snipe fly	Cheumatopsy sp. 8 facultative caddisfly	Cheumatopsy sp. 7 facultative caddisfly
% CONTRIBUTION OF MAJOR GROUPS (NUMBER OF TAXA IN PARENTHESES)				
Chironomidae (midges)	53 (10)	20 (8)	24 (7)	19 (11)
Trichoptera (caddisflies)	19 (3)	19 (5)	25 (4)	19 (7)
Ephemeroptera (mayflies)	2 (1)	21 (5)	8 (2)	7 (3)
Plecoptera (stoneflies)	0 (0)	0 (0)	0 (0)	0 (0)
Coleoptera (beetles)	14 (2)	24 (2)	9 (3)	5 (1)
Oligochaeta (worms)	2 (1)	1 (1)	1 (1)	9 (1)
Others (**)	10 (4)	15 (6)	33 (5)	41 (6)
TOTAL	100 (21)	100 (27)	100 (22)	100 (29)
SPECIES RICHNESS	21	27	22	29
HBI INDEX	5.93	4.90	5.74	6.04
EPT VALUE	4	10	6	10
PMA VALUE	54	72	58	56
FIELD ASSESSMENT	non- to slt	non- to slt	no impact	slt impact
OVERALL ASSESSMENT	slightly impacted	slightly impacted	slightly impacted	slightly impacted

** snails, clams, black flies * see text for explanation of this sample

C-3 Significant Coastal Fish & Wildlife Habitat Rating

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: **Normans Kill**

Designated: **November 15, 1987**

County: **Albany**

Town(s): **Albany, Bethlehem**

7½' Quadrangle(s): **Albany, NY; Delmar, NY**

Score Criterion

- 16** Ecosystem Rarity (ER)
One of the major freshwater tributaries of the upper Hudson River, which is relatively undisturbed and accessible to anadromous fishes.
- 0** Species Vulnerability (SV)
No endangered, threatened or special concern species reside in the area.
- 4** Human Use (HU)
Recreational fishing opportunities attract many Albany County anglers to the area.
- 6** Population Level (PL)
One of only 10 significant spawning streams for anadromous fishes in the upper Hudson River;
geometric mean; $(4 \times 9)^{1/2} = 6$.
- 1.2** Replaceability (R) Irreplaceable
-

$$\begin{aligned}\text{SIGNIFICANCE VALUE} &= [(ER + SV + HU + PL) \times R] \\ &= 31\end{aligned}$$

C-3 Significant Coastal Fish & Wildlife Habitat Rating

DESIGNATED HABITAT: NORMANS KILL

LOCATION AND DESCRIPTION OF HABITAT:

The Normans Kill is located on the west side of the Hudson River, on the boundary between the City of Albany and the Town of Bethlehem, Albany County (7.5' Quadrangles: Albany, N.Y.; and Delmar, N.Y.). The fish and wildlife habitat is an approximate two mile segment of this freshwater tributary, extending from its mouth on the Hudson River to a falls which is located just downstream from the New York State Thruway (Interstate Route 87) bridge. The Normans Kill is a relatively large, medium gradient, perennial, warmwater stream, with a drainage area of over 170 square miles, and an average annual discharge volume of approximately 150 cubic feet per second. Municipal water withdrawals upstream reduce flows year-round by more than 7 cubic feet per second. The first mile of stream below the falls flows through a steep-sided wooded gorge, and is relatively shallow, with a gravelly substrate. The lower mile of the creek (referred to as "Island Creek") is within the tidal range of the Hudson River, and is relatively deep, with a silt and clay substrate. At least part of this segment appears to have been channelized in the past, in conjunction with nearby commercial and industrial developments. Despite its proximity to the Port of Albany, the Normans Kill and its associated riparian zone remain in a relatively natural condition. Habitat disturbance in the area is generally limited to the presence of road and railroad crossings, litter, and discharges of stormwater runoff from paved areas.

FISH AND WILDLIFE VALUES:

The Normans Kill is the largest tributary stream in Albany County, and is one of about 4 major tributaries emptying into the northern portion of the Hudson River estuary. The considerable length of stream channel accessible to migratory fishes, and the lack of significant human disturbance in the upper portion of the creek, provide favorable habitat conditions for a variety of anadromous as well as resident freshwater fish species. The Normans Kill is an important spawning area for alewife, blueback herring, and white perch; it is one of only 10 significant spawning streams for these anadromous fishes in the upper Hudson River. Generally, these species enter the stream between April and June; the adults leave the area shortly after spawning, and within several weeks, the eggs have hatched, and larval fish begin moving downstream to nursery areas in the Hudson River. A substantial population of smallmouth bass also occurs in the Normans Kill throughout the year. Adults move into the upper section of the creek in May and early June to spawn, and return to deeper areas as water temperatures rise. Freshwater inflows from the Normans Kill are also important for maintaining water quality in the Hudson River estuary.

The abundant fisheries resources of the Normans Kill provide significant opportunities for recreational fishing. Although no developed public access facilities exist, the area is popular among Albany County anglers, especially for smallmouth bass fishing during the summer months. Fishing pressure is concentrated on the lower section of the creek, near road crossings.

C-3 Significant Coastal Fish & Wildlife Habitat Rating

IMPACT ASSESSMENT:

A **habitat impairment test** must be met for any activity that is subject to consistency review under Federal and State laws, or under applicable local laws contained in an approved local waterfront revitalization program. If the proposed action is subject to consistency review, then the habitat protection policy applies, whether the proposed action is to occur within or outside the designated area.

The specific **habitat impairment test** that must be met is as follows.

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would:

- destroy the habitat; or,
- significantly impair the viability of a habitat.

Habitat destruction is defined as the loss of fish or wildlife use through direct physical alteration, disturbance, or pollution of a designated area or through the indirect effects of these actions on a designated area. Habitat destruction may be indicated by changes in vegetation, substrate, or hydrology, or increases in runoff, erosion, sedimentation, or pollutants.

Significant impairment is defined as reduction in vital resources (e.g., food, shelter, living space) or change in environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of an organism. Indicators of a significantly impaired habitat focus on ecological alterations and may include but are not limited to reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

The *tolerance range* of an organism is not defined as the physiological range of conditions beyond which a species will not survive at all, but as the ecological range of conditions that supports the species population or has the potential to support a restored population, where practical. Either the loss of individuals through an increase in emigration or an increase in death rate indicates that the tolerance range of an organism has been exceeded. An abrupt increase in death rate may occur as an environmental factor falls beyond a tolerance limit (a range has both upper and lower limits). Many environmental factors, however, do not have a sharply defined tolerance limit, but produce increasing emigration or death rates with increasing departure from conditions that are optimal for the species.

The range of parameters which should be considered in applying the habitat impairment test include but are not limited to the following:

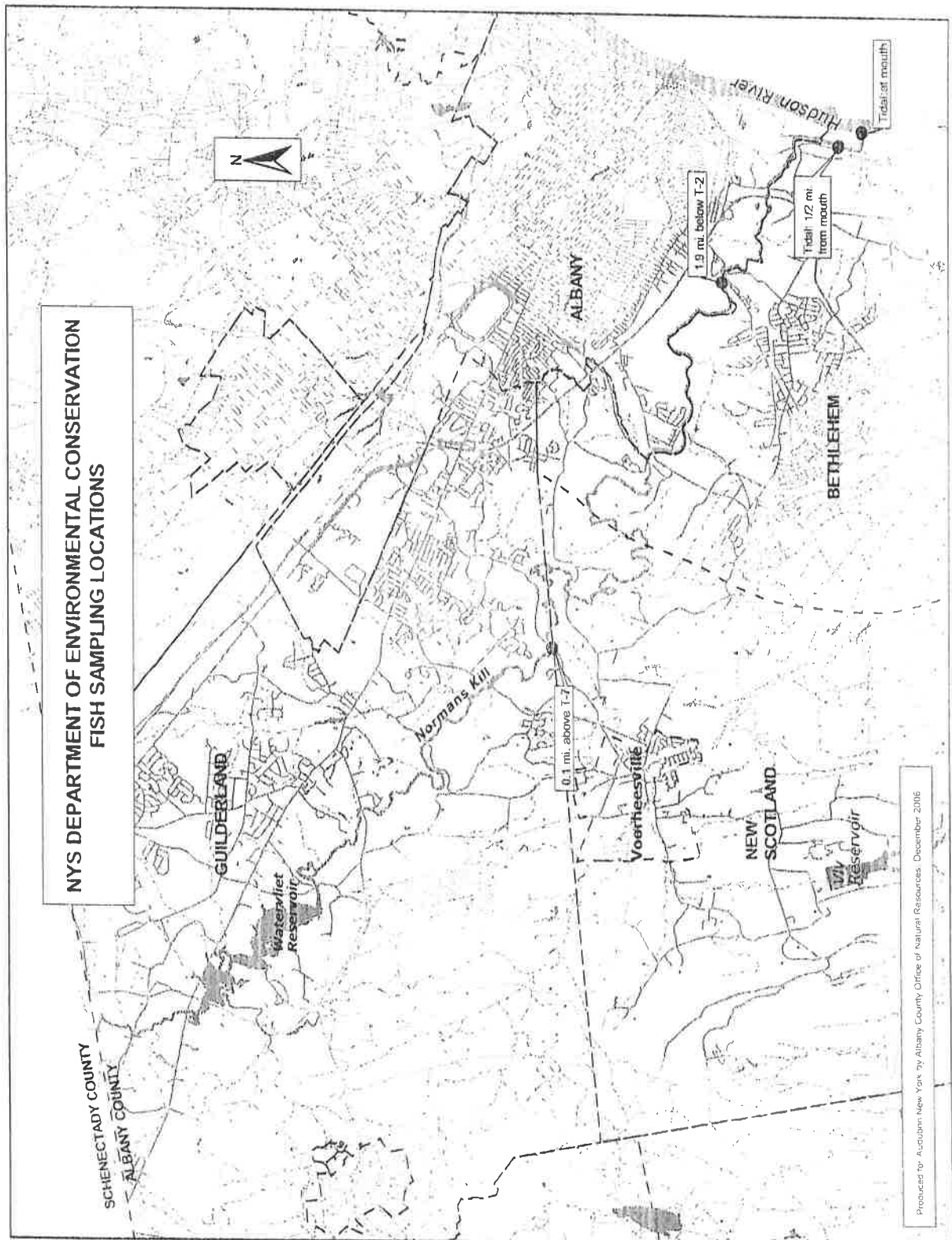
1. physical parameters such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;
2. biological parameters such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and,
3. chemical parameters such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

C-3 Significant Coastal Fish & Wildlife Habitat Rating

Although not comprehensive, examples of generic activities and impacts which could destroy or significantly impair the habitat are listed below to assist in applying the habitat impairment test to a proposed activity.

Any activity that would substantially degrade water quality, increase turbidity or sedimentation, reduce flows, or increase water temperatures in the Normans Kill would result in significant impairment of the habitat. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) Could result in significant impairment of the habitat. Of particular concern are the potential effects of upstream disturbances, including water withdrawals, impoundments, stream bed disturbances, and effluent discharges. Barriers to fish migration, whether physical or chemical, would have a significant impact on fish populations in this Creek, as well as in the Hudson River. Habitat disturbances would be most detrimental during fish spawning and incubation periods. Existing woodlands bordering the Normans Kill and its tributaries should be maintained to provide bank cover, soil stabilization, and buffer areas. Development of appropriate public access to the area may be desirable to ensure that adequate opportunities for compatible human uses of the fisheries resources are available.

C-4 Fish Species in the Normans Kill



C-4 Fish Species in the Normans Kill

Tidal: at mouth

Year = 1934	Common Name	Genus	Species
	American Eel	Anguilla	rostrata
	White Sucker	Catostomus	commersonii
	Tessellated Darter	Etheostoma	olmstedii
	Banded Killifish	Fundulus	diaphanus
	Mummichog	Fundulus	heteroclitus

Tidal: 1/2 mile from mouth

Year = 1934	Common Name	Genus	Species
	Rock Bass	Ambloplites	rupestris
	Brown Bullhead	Ameiurus	nebulosus
	American Eel	Anguilla	rostrata
	White Sucker	Catostomus	commersonii
	Satinfin Shiner	Cyprinella	analostana
	Spotfin Shiner	Cyprinella	spiloptera
	Johnny Darter	Etheostoma	nigrum
	Tessellated Darter	Etheostoma	olmstedii
	Cutlip Minnow	Exoglossum	maxilllingua
	Banded Killifish	Fundulus	diaphanous
	Mummichog	Fundulus	heteroclitus
	Eastern Silvery Minnow	Hybognathus	regius
	Redbreast Sunfish	Lepomis	auritus
	Pumpkinseed	Lepomis	gibbosus
	Common Shiner	Luxilus	cornutus
	Largemouth Bass	Micropterus	salmoides
	Golden Shiner	Notemigonus	crysoleucas
	Spottail Shiner	Notropis	hudsonius
	White Crappie	Pomoxis	annularis
	Black Crappie	Pomoxis	nigromaculatus

Year = 1972	Common Name	Genus	Species
	American Shad	Alosa	sapidissima
	American Eel	Anguilla	rostrata
	Goldfish	Carassius	auratus
	White Sucker	Catostomus	commersonii
	Common Carp	Cyprinus	carpio
	Pumpkinseed	Lepomis	gibbosus
	White Perch	Morone	Americana
	Striped Bass	Morone	saxatilis
	Golden Shiner	Notemigonus	crysoleucas
	Spottail Shiner	Notropis	hudsonius

C-4 Fish Species in the Normans Kill

Freshwater 1.9 mile below T2

Year = 1972	Common Name	Genus	Species
	American Eel	Anguilla	rostrata
	White Sucker	Catostomus	commersonii
	Cutlip Minnow	Exoglossum	maxillingua
	Redbreast Sunfish	Lepomis	auritus
	Common Shiner	Luxilus	cornutus
	Smallmouth Bass	Micropterus	dolomieu
	Blacknose Dace	Rhinichthys	atratulus
	Fallfish	Semotilus	corporalis
Year = 1981	Rock Bass	Ambloplites	rupestris
	American Eel	Anguilla	rostrata
	White Sucker	Catostomus	commersonii
	Common Carp	Cyprinus	carpio
	Tessellated Darter	Etheostoma	olmstedii
	Cutlip Minnow	Exoglossum	maxillingua
	Redbreast Sunfish	Lepomis	auritus
	Common Shiner	Luxilus	cornutus
	Smallmouth Bass	Micropterus	dolomieu
	Largemouth Bass	Micropterus	salmoides
	Emerald Shiner	Notropis	atherinoides
	Spottail Shiner	Notropis	hudsonius
	Longnose Dace	Rhinichthys	catractae
	Fallfish	Semotilus	corporalis

C-4 Fish Species in the Normans Kill

Freshwater: 0.1 mile above T7

Year 1981	Common Name	Genus	Species
	Rock Bass	Ambloplites	rupestris
	American Eel	Anguilla	rostrata
	White Sucker	Catostomus	commersonii
	Cutlip Minnow	Exoglossum	maxillingua
	Redbreast Sunfish	Lepomis	auritus
	Common Shiner	Luxilus	cornutus
	Smallmouth Bass	Micropterus	dolomieu
	Spottail Shiner	Notropis	hudsonius
	Blacknose Dace	Rhinichthys	atratus
	Longnose Dace	Rhinichthys	cataractae
	Creek Chub	Semotilus	atromaculatus
	Fallfish	Semotilus	corporalis
Year = 1987			
	Rock Bass	Ambloplites	rupestris
	American Eel	Anguilla	rostrata
	White Sucker	Catostomus	commersonii
	Satinfin Shiner	Cyprinella	analostana
	Common Carp	Cyprinus	carpio
	Cutlip Minnow	Exoglossum	maxillingua
	Redbreast Sunfish	Lepomis	auritus
	Pumpkinseed	Lepomis	gibbosus
	Common Shiner	Luxilus	cornutus
	Smallmouth Bass	Micropterus	dolomieu
	Largemouth Bass	Micropterus	salmoides
	Spottail Shiner	Notropis	hudsonius
	Yellow Perch	Perca	flavescens
	Creek Chub	Semotilus	atromaculatus
	Fallfish	Semotilus	corporalis

C-4 Fish Species in the Normans Kill

Freshwater: below Watervliet Reservoir to T7

Year = 1934	Common Name	Genus	Species
	American Eel	Anguilla	rostrata
	Tessellated Darter	Etheostoma	olmsted
	Cutlip Minnow	Exoglossum	maxillingua
	Banded Killifish	Fundulus	diaphanous
	Pumpkinseed	Lepomis	gibbosus
	Golden Shiner	Notemigonus	crysoleucas
	White Crappie	Pomoxis	annularis
Year = 1972	American Eel	Anguilla	rostrata
	White Sucker	Catostomus	commersonii
	Tessellated Darter	Etheostoma	olmsted
	Cutlip Minnow	Exoglossum	maxillingua
	Redbreast Sunfish	Lepomis	auritus
	Pumpkinseed	Lepomis	gibbosus
	Common Shiner	Luxilus	cornutus
	Smallmouth Bass	Micropterus	dolomieu
	Largemouth Bass	Micropterus	salmoides
	Blacknose Dace	Rhinichthys	atratulus
	Fallfish	Semotilus	corporalis
Year = 1981	Rock Bass	Ambloplites	rupestris
	American Eel	Anguilla	rostrata
	White Sucker	Catostomus	commersonii
	Redbreast Sunfish	Lepomis	auritus
	Pumpkinseed	Lepomis	gibbosus
	Bluegill	Lepomis	macrochirus
	Smallmouth Bass	Micropterus	dolomieu
	Largemouth Bass	Micropterus	salmoides
	Golden Shiner	Notemigonus	crysoleucas
	Black Crappie	Pomoxis	nigromaculatus

C-4 Fish Species in the Normans Kill

Freshwater: above Watervliet Reservoir to T21

year = 1972	Common Name	Genus	Species
	Rock Bass	Ambloplites	rupestris
	Brown Bullhead	Ameiurus	nebulosus
	American Eel	Anguilla	rostrata
	White Sucker	Catostomus	commersonii
	Tessellated Darter	Etheostoma	olmstedii
	Cutlip Minnow	Exoglossum	maxillingua
	Banded Killifish	Fundulus	diaphanus
	Northern Hog Sucker	Hypentelium	nigricans
	Pumpkinseed	Lepomis	gibbosus
	Bluegill	Lepomis	macrochirus
	Common Shiner	Luxilus	cornutus
	Largemouth Bass	Micropterus	salmoides
	Blacknose Dace	Rhinichthys	atratus
	Longnose Dace	Rhinichthys	cataractae
	Creek Chub	Semotilus	atromaculatus
	Fallfish	Semotilus	corporalis

Freshwater: T21 to T29

year = 1972	Common Name	Genus	Species
	Brown Bullhead	Ameiurus	nebulosus
	Grass Pickerel	Esox	americanus vermiculatus
	Northern Hog Sucker	Hypentelium	nigricans
	Pumpkinseed	Lepomis	gibbosus
	Bluegill	Lepomis	macrochirus
	Common Shiner	Luxilus	cornutus
	Largemouth Bass	Micropterus	salmoides
	Blacknose Dace	Rhinichthys	atratus
	Longnose Dace	Rhinichthys	cataractae
	Creek Chub	Semotilus	atromaculatus

C-4 Fish Species in the Normans Kill

Freshwater: T29 to source

year = 1934

Common Name	Genus	Species
Brown Bullhead	Ameiurus	nebulosus
White Sucker	Catostomus	commersonii
Cutlip Minnow	Exoglossum	maxillingua
Redbreast Sunfish	Lepomis	auritus
Common Shiner	Luxilus	cornutus
Golden Shiner	Notemigonus	crysoleucas
Yellow Perch	Perca	flavescens
Bluntnose Minnow	Pimephales	notatus
Fathead Minnow	Pimephales	promelas
Blacknose Dace	Rhinichthys	atratus
Creek Chub	Semotilus	atromaculatus
Fallfish	Semotilus	corporalis

year = 1972

Brown Bullhead	Ameiurus	nebulosus
American Eel	Anguilla	rostrata
White Sucker	Catostomus	commersonii
Grass Pickerel	Esox	americanus vermiculatus
Tessellated Darter	Etheostoma	olmstedii
Cutlip Minnow	Exoglossum	maxillingua
Northern Hog Sucker	Hypentellium	nigricans
Redbreast Sunfish	Lepomis	auritus
Pumpkinseed	Lepomis	gibbosus
Common Shiner	Luxilus	cornutus
Golden Shiner	Notemigonus	crysoleucas
Bluntnose Minnow	Pimephales	notatus
Fathead Minnow	Pimephales	promelas
Blacknose Dace	Rhinichthys	atratus
Longnose Dace	Rhinichthys	cataractae
Creek Chub	Semotilus	atromaculatus

C-5 Amphibians and Reptiles

NORMANS KILL AMPHIBIANS AND REPTILES

<u>AMPHIBIAN SPECIES</u>	<u>WATERSHED</u>	<u>CORRIDOR</u>
Common Mudpuppy ¹	*	*
Jefferson Salamander Complex (SC)	X	X
Blue-spotted Salamander (SC)	X	X
Spotted Salamander	X	X
Red-spotted Newt	X	X
Northern Dusky Salamander	X	X
Northern Redback Salamander	X	X
Four-toed Salamander	X	
Northern Two-lined Salamander	X	X
Eastern Spadefoot (SC)	X	
Eastern American Toad	X	X
Fowler's Toad	X	X
Gray Treefrog	X	X
Northern Spring Peeper	X	X
Bullfrog	X	X
Green Frog	X	X
Wood Frog	X	X
Northern Leopard Frog	X	X
Pickerel Frog	X	
<u>REPTILE SPECIES</u>	<u>WATERSHED</u>	<u>CORRIDOR</u>
Northern Water Snake	X	X
Northern Brown Snake	X	X
Northern Redbelly Snake	X	X
Common Garter Snake	X	X
Eastern Hognose Snake (SC)	X	X
Northern Ringneck Snake	X	
Eastern Worm Snake ² (SC)	*	
Smooth Green Snake	X	
Eastern Milk Snake	X	X
Common Snapping Turtle	X	X
Spotted Turtle (SC)	X	
Wood Turtle (SC)	X	X
Eastern Box Turtle (SC)	X	
Common Map Turtle ³	*	*
Painted Turtle	X	X

¹ The NYS Museum Biological Survey includes a 1924 record for the Normans Kill.

² One 1986 watershed record exists from the Town of Guilderland near Crossgates Mall.

³ This record is suggested by confirmations along the west shore of Hudson River immediately north and south of its confluence with the Normans Kill.

SC - State Species of Special Concern (Section 182.2(i) of 6 NYCRR Part 182).

Source: New York State Amphibian and Reptile Atlas Project data base (1990-1999)
except where otherwise noted by an *.

C-6 Bird Species of the Normans Kill Corridor

Bird Species in Area of Normans Kill Corridor Derived from NYS Breeding Bird Atlas, 2000-05

<i>Species</i>		<i>Breeding Code and Category</i>	
Canada Goose	<i>Branta canadensis</i>	NY	Confirmed
Wood Duck	<i>Alx sponsa</i>	ON	Confirmed
American Black Duck	<i>Anas rubripes</i>	FL	Confirmed
Mallard	<i>Anas platyrhynchos</i>	FL	Confirmed
Mallard x Am. Black Duck Hybrid	<i>Anas platyrhynchos x A. rubripes</i>		FL Confirmed
Hooded Merganser	<i>Lophodytes cucullatus</i>	FL	Confirmed
Ruffed Grouse	<i>Bonasa umbellus</i>	D2	Probable
Wild Turkey	<i>Meleagris gallopavo</i>	NE	Confirmed
Pied-billed Grebe	<i>Podilymbus podiceps</i>	FL	Confirmed
Double-crested Cormorant	<i>Phalacrocorax auritus</i>	X1	Possible
American Bittern	<i>Botaurus lentiginosus</i>	S2	Probable
Least Bittern	<i>Ixobrychus exilis</i>	T2	Probable
Great Blue Heron	<i>Ardea herodias</i>	NY	Confirmed
Green Heron	<i>Butorides virescens</i>	FL	Confirmed
Turkey Vulture	<i>Cathartes aura</i>	X1	Possible
Bald Eagle	<i>Haliaeetus leucocephalus</i>	UN	Confirmed
Northern Harrier	<i>Circus cyaneus</i>	X1	Possible
Sharp-shinned Hawk	<i>Accipiter striatus</i>	FY	Confirmed
Cooper's Hawk	<i>Accipiter cooperii</i>	NY	Confirmed
Red-shouldered Hawk	<i>Buteo lineatus</i>	X1	Possible
Broad-winged Hawk	<i>Buteo platypterus</i>	FL	Confirmed
Red-tailed Hawk	<i>Buteo jamalcensis</i>	NY	Confirmed
American Kestrel	<i>Falco sparverius</i>	NY	Confirmed
Peregrine Falcon	<i>Falco peregrinus</i>	NY	Confirmed
Virginia Rail	<i>Rallus limicola</i>	FL	Confirmed
Sora	<i>Porzana carolina</i>	X1	Possible
Common Moorhen	<i>Gallinula chloropus</i>	FL	Confirmed
Killdeer	<i>Charadrius vociferus</i>	NE	Confirmed
Spotted Sandpiper	<i>Actitis macularia</i>	FL	Confirmed
Wilson's Snipe	<i>Gallinago delicata</i>	S2	Probable
American Woodcock	<i>Scolopax minor</i>	FL	Confirmed
Rock Pigeon	<i>Columba livia</i>	NY	Confirmed
Mourning Dove	<i>Zenaida macroura</i>	NY	Confirmed
Monk Parakeet	<i>Myiopsitta monachus</i>	ON	Confirmed
Black-billed Cuckoo	<i>Coccyzus erythrophthalmus</i>	S2	Probable
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	T2	Probable
Eastern Screech-Owl	<i>Megascops asio</i>	T2	Probable
Great Horned Owl	<i>Bubo virginianus</i>	NY	Confirmed
Barred Owl	<i>Strix varia</i>	X1	Possible
Whip-poor-will	<i>Caprimulgus vociferus</i>	X1	Possible
Chimney Swift	<i>Chaetura pelagica</i>	ON	Confirmed
Ruby-throated Hummingbird	<i>Archilochus colubris</i>	FL	Confirmed
Belted Kingfisher	<i>Ceryle alcyon</i>	FY	Confirmed
Red-bellied Woodpecker	<i>Melanerpes carolinus</i>	FY	Confirmed

C-6 Bird Species of the Normans Kill Corridor

<i>Species</i>		<i>Breeding Code and Category</i>	
Yellow-bellied Sapsucker	Sphyrapicus varius	S2	Probable
Downy Woodpecker	Picoides pubescens	FY	Confirmed
Hairy Woodpecker	Picoides villosus	NY	Confirmed
Northern Flicker	Colaptes auratus	FY	Confirmed
Pileated Woodpecker	Dryocopus pileatus	NY	Confirmed
Eastern Wood-Pewee	Contopus virens	T2	Probable
Alder Flycatcher	Empidonax alnorum	S2	Probable
Willow Flycatcher	Empidonax traillii	FY	Confirmed
Least Flycatcher	Empidonax minimus	T2	Probable
Eastern Phoebe	Sayornis phoebe	NY	Confirmed
Great Crested Flycatcher	Myiarchus cinerascens	FY	Confirmed
Eastern Kingbird	Tyrannus tyrannus	NY	Confirmed
Yellow-throated Vireo	Vireo flavifrons	T2	Probable
Blue-headed Vireo	Vireo solitarius	S2	Probable
Warbling Vireo	Vireo gilvus	FL	Confirmed
Red-eyed Vireo	Vireo olivaceus	NE	Confirmed
Blue Jay	Cyanocitta cristata	FY	Confirmed
American Crow	Corvus brachyrhynchos	NE	Confirmed
Fish Crow	Corvus ossifragus	X1	Possible
Common Raven	Corvus corax	X1	Possible
Purple Martin	Progne subis	X1	Possible
Tree Swallow	Tachycineta bicolor	NY	Confirmed
Northern Rough-winged Swallow	Stelgidopteryx serripennis	ON	Confirmed
Bank Swallow	Riparia riparia	ON	Confirmed
Barn Swallow	Hirundo rustica	NY	Confirmed
Black-capped Chickadee	Parus atricapillus	FY	Confirmed
Tufted Titmouse	Baeolophus bicolor	NY	Confirmed
Red-breasted Nuthatch	Sitta canadensis	D2	Probable
White-breasted Nuthatch	Sitta carolinensis	NY	Confirmed
Brown Creeper	Certhia americana	P2	Probable
Carolina Wren	Thryothorus ludovicianus	NY	Confirmed
House Wren	Troglodytes aedon	NY	Confirmed
Winter Wren	Troglodytes troglodytes	X1	Possible
Marsh Wren	Cistothorus palustris	T2	Probable
Blue-gray Gnatcatcher	Polioptila caerulea	FY	Confirmed
Eastern Bluebird	Sialia sialis	NY	Confirmed
Veery	Catharus fuscescens	NE	Confirmed
Hermit Thrush	Catharus guttatus	S2	Probable
Wood Thrush	Hylocichla ustulata	NY	Confirmed
American Robin	Turdus migratorius	NY	Confirmed
Gray Catbird	Dumetella carolinensis	FY	Confirmed
Northern Mockingbird	Mimus polyglottos	NY	Confirmed
Brown Thrasher	Toxostoma rufum	FL	Confirmed
European Starling	Sturnus vulgaris	NY	Confirmed
Cedar Waxwing	Bombus cistrorhynchus	FY	Confirmed
Blue-winged Warbler	Vermivora pinus	FL	Confirmed
Nashville Warbler	Vermivora ruficapilla	X1	Possible
Yellow Warbler	Dendroica petechia	NE	Confirmed
Chestnut-sided Warbler	Dendroica pensylvanica	FY	Confirmed
Black-throated Blue Warbler	Dendroica caerulescens	DD	Confirmed

C-6 Bird Species of the Normans Kill Corridor

<i>Species</i>		<i>Breeding Code and Category</i>	
Black-throated Green Warbler	<i>Dendroica virens</i>	X1	Possible
Pine Warbler	<i>Dendroica pinus</i>	P2	Probable
Prairie Warbler	<i>Dendroica discolor</i>	FY	Confirmed
Black-and-white Warbler	<i>Mniotilta varia</i>	T2	Probable
American Redstart	<i>Setophaga ruticilla</i>	B2	Probable
Ovenbird	<i>Seiurus aurocapilla</i>	FL	Confirmed
Louisiana Waterthrush	<i>Seiurus motacilla</i>	X1	Possible
Common Yellowthroat	<i>Geothlypis trichas</i>	FY	Confirmed
Hooded Warbler	<i>Wilsonia citrina</i>	S2	Probable
Scarlet Tanager	<i>Piranga olivacea</i>	FY	Confirmed
Eastern Towhee	<i>Pipilo erythrophthalmus</i>	FL	Confirmed
Chipping Sparrow	<i>Spizella passerina</i>	NE	Confirmed
Field Sparrow	<i>Spizella pusilla</i>	FY	Confirmed
Savannah Sparrow	<i>Passerculus sandwichensis</i>	FL	Confirmed
Grasshopper Sparrow	<i>Ammodramus savannarum</i>	X1	Possible
Song Sparrow	<i>Melospiza melodia</i>	NE	Confirmed
Swamp Sparrow	<i>Melospiza georgiana</i>	FY	Confirmed
White-throated Sparrow	<i>Zonotrichia albicollis</i>	X1	Possible
Dark-eyed Junco	<i>Junco hyemalis</i>	S2	Probable
Northern Cardinal	<i>Cardinalis cardinalis</i>	NY	Confirmed
Rose-breasted Grosbeak	<i>Pheucticus ludovicianus</i>	FY	Confirmed
Indigo Bunting	<i>Passerina cyanea</i>	FY	Confirmed
Bobolink	<i>Dolichonyx oryzivorus</i>	FY	Confirmed
Red-winged Blackbird	<i>Agelaius phoeniceus</i>	FY	Confirmed
Eastern Meadowlark	<i>Sturnella magna</i>	FY	Confirmed
Common Grackle	<i>Quiscalus quiscula</i>	NE	Confirmed
Brown-headed Cowbird	<i>Molothrus ater</i>	NE	Confirmed
Orchard Oriole	<i>Icterus spurius</i>	X1	Possible
Baltimore Oriole	<i>Icterus galbula</i>	NY	Confirmed
Purple Finch	<i>Carpodacus purpureus</i>	D2	Probable
House Finch	<i>Carpodacus mexicanus</i>	NY	Confirmed
Red Crossbill	<i>Loxia curvirostra</i>	X1	Possible
Pine Siskin	<i>Carduelis pinus</i>	S2	Probable
American Goldfinch	<i>Carduelis tristis</i>	FY	Confirmed
House Sparrow	<i>Passer domesticus</i>	NY	Confirmed

C-7 New York Natural Heritage Program

NEW YORK NATURAL HERITAGE PROGRAM

Report on Rare Plants and Rare Animals

Within 1 mile of the NORMANS KILL in Albany County

The locations provided in this report are general enough that this report may be included in documents intended for public distribution. However, please be aware that information that discloses the precise locations of rare plants or animals may lead to the collection or disturbance of those plants or animals. Therefore, precise locations and directions to precise locations should not be included in any reports or maps made available to the public. This report The New York Natural Heritage Program can offer guidance on presenting rare species location information in such a way as to minimize the risks to the plants and animals.

Prepared November, 2006, from the Biodiversity Databases of the New York Natural Heritage Program,
NYS DEC, 625 Broadway, Albany, NY, 12233-4757.

	COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	NY STATE RANK*
Last Documented within the last 25 years				
<u>Hudson River</u>				
Fish	Shortnose Sturgeon	<i>Acipenser brevirostrum</i>	Endangered	S1
Mussel	Alewife Floater	<i>Anodonta imbecilis</i>		S1S2
<u>Glenmont</u>				
Plants	Side-oats Grama	<i>Bouteloua curtipendula</i> var. <i>curtipendula</i>	Endangered	S1
	Violet Wood-sorrel	<i>Oxalis violacea</i>	Threatened	S2S3
<u>Watervliet Reservoir</u>				
Bird	Bald Eagle	<i>Haliaeetus</i> <i>leucocephalus</i>	Threatened	S2S3

Last Documented before 1980; exact locations often unknown.

<u>Normans Kill Below Rt 9W</u>				
Mussels	Eastern Pondmussel	<i>Ligumia nasuta</i>		S2S3
	Tidewater Mucket	<i>Leptodea ochracea</i>		S1
	Yellow Lampmussel	<i>Lampsilis cariosa</i>		S3
Plant	Nodding Pogonia	<i>Triphora trianthophora</i>	Endangered	S2
<u>Hudson River</u>				
Mussel	Yellow Lampmussel	<i>Lampsilis cariosa</i>		S3

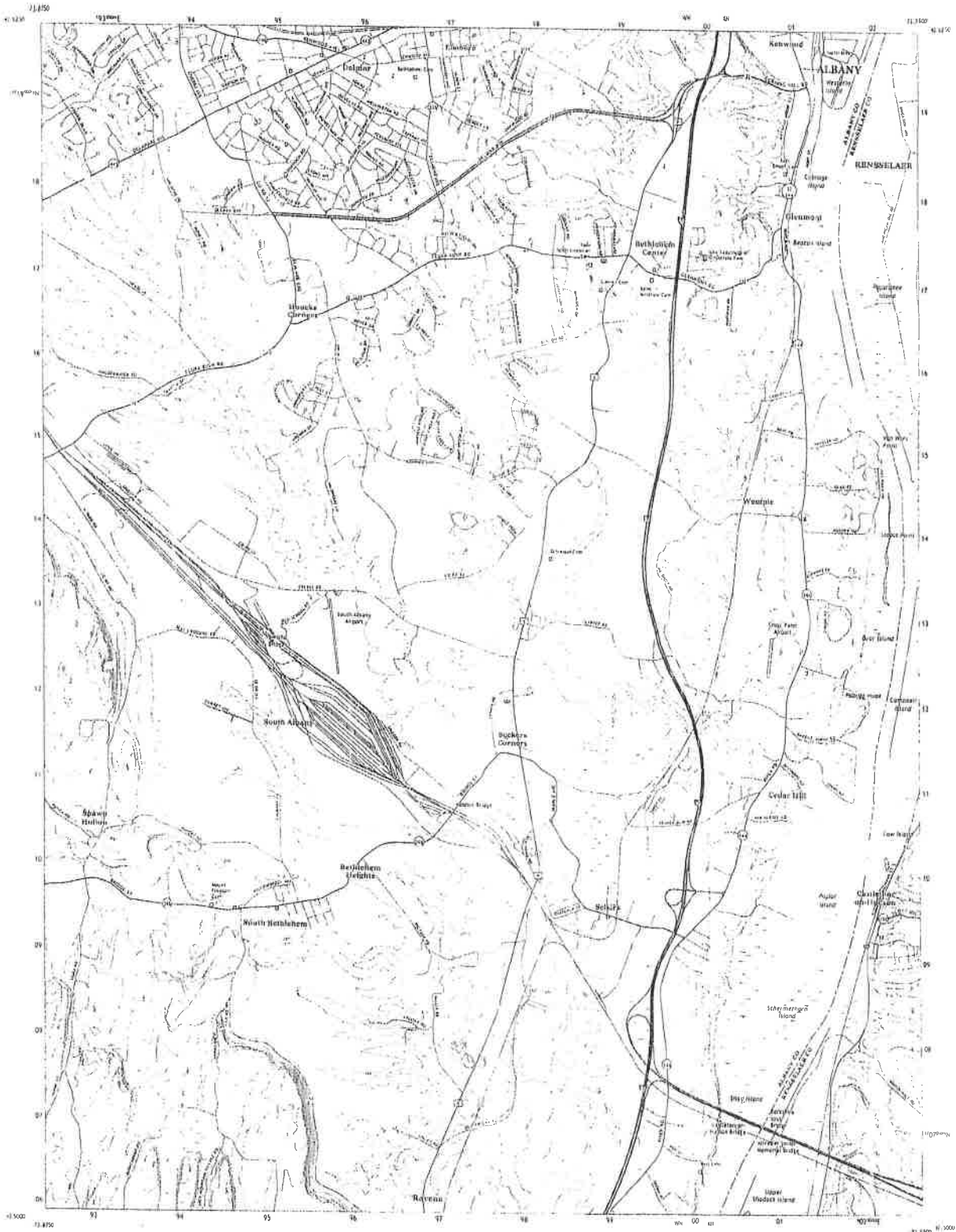
C-7 New York Natural Heritage Program

	COMMON NAME	SCIENTIFIC NAME	NY STATE LISTING	NY STATE RANK*
<u>Kenwood</u>				
	Dragonfly Cobra Clubtail	<i>Gomphus vastus</i>		SH
<u>Albany Port</u>				
Plants	Delmarva Beggar-ticks	<i>Bidens bidentoides</i>	Rare	S3
	Hop Sedge	<i>Cyperus lupulinus</i> ssp. <i>lupulinus</i>	Threatened	S2S3
	Mock-pennyroyal	<i>Hedeoma hispida</i>	Threatened	S2S3
	Small's Knotweed	<i>Polygonum buxiforme</i>	Endangered	S1
	Troublesome Sedge	<i>Carex molesta</i>	Threatened	S2S3
<u>Glenmont</u>				
Plants	Green Rock-cress	<i>Boechera missouriensis</i>	Threatened	S2
	Large Twayblade	<i>Liparis liliifolia</i>	Endangered	S1
	Northern Bog Violet	<i>Viola nephrophylla</i>	Endangered	S1
	Swamp Lousewort	<i>Pedicularis lanceolata</i>	Threatened	S2
	Troublesome Sedge	<i>Carex molesta</i>	Threatened	S2S3
	Woodland Agrimony	<i>Agrimonia rostellata</i>	Threatened	S2
<u>Guilderland</u>				
Butterfly	Karner Blue	<i>Lycaeides melissa samuells</i>	Endangered	S1
Plant	Woodland Agrimony	<i>Agrimonia rostellata</i>	Threatened	S2
<u>Voorheesville</u>				
Plant	Carey's Smartweed	<i>Persicaria careyi</i>	Threatened	S1S2

* Rarity in NYS as ranked by NY Natural Heritage Program on a 1 to 5 scale:
 S1 = Critically imperiled;
 S2 = Imperiled;
 S3 = Rare or uncommon;
 S4 = Abundant and apparently secure;
 S5 = Demonstrably abundant and secure;
 SH = Historical records only; no recent information available.



EXHIBIT “Q”

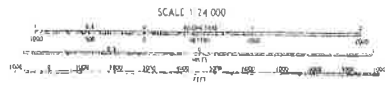


Produced by the United States Geological Survey

This map was derived from the 1:250,000-scale map of the Delmar, NY, 7.5-minute quadrangle, which was published in 1981. The map was revised to reflect changes in the landscape since 1981. The map was revised to reflect changes in the landscape since 1981.

Map of the Delmar, NY, 7.5-minute quadrangle, which was published in 1981. The map was revised to reflect changes in the landscape since 1981. The map was revised to reflect changes in the landscape since 1981.

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SCALE 1:24,000

CONTOUR INTERVAL: 10 FEET

THIS MAP WAS DERIVED FROM THE 1:250,000-SCALE MAP OF THE DELMAR, NY, 7.5-MINUTE QUADRANGLE, WHICH WAS PUBLISHED IN 1981.

THE MAP WAS REVISED TO REFLECT CHANGES IN THE LANDSCAPE SINCE 1981.

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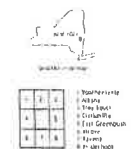
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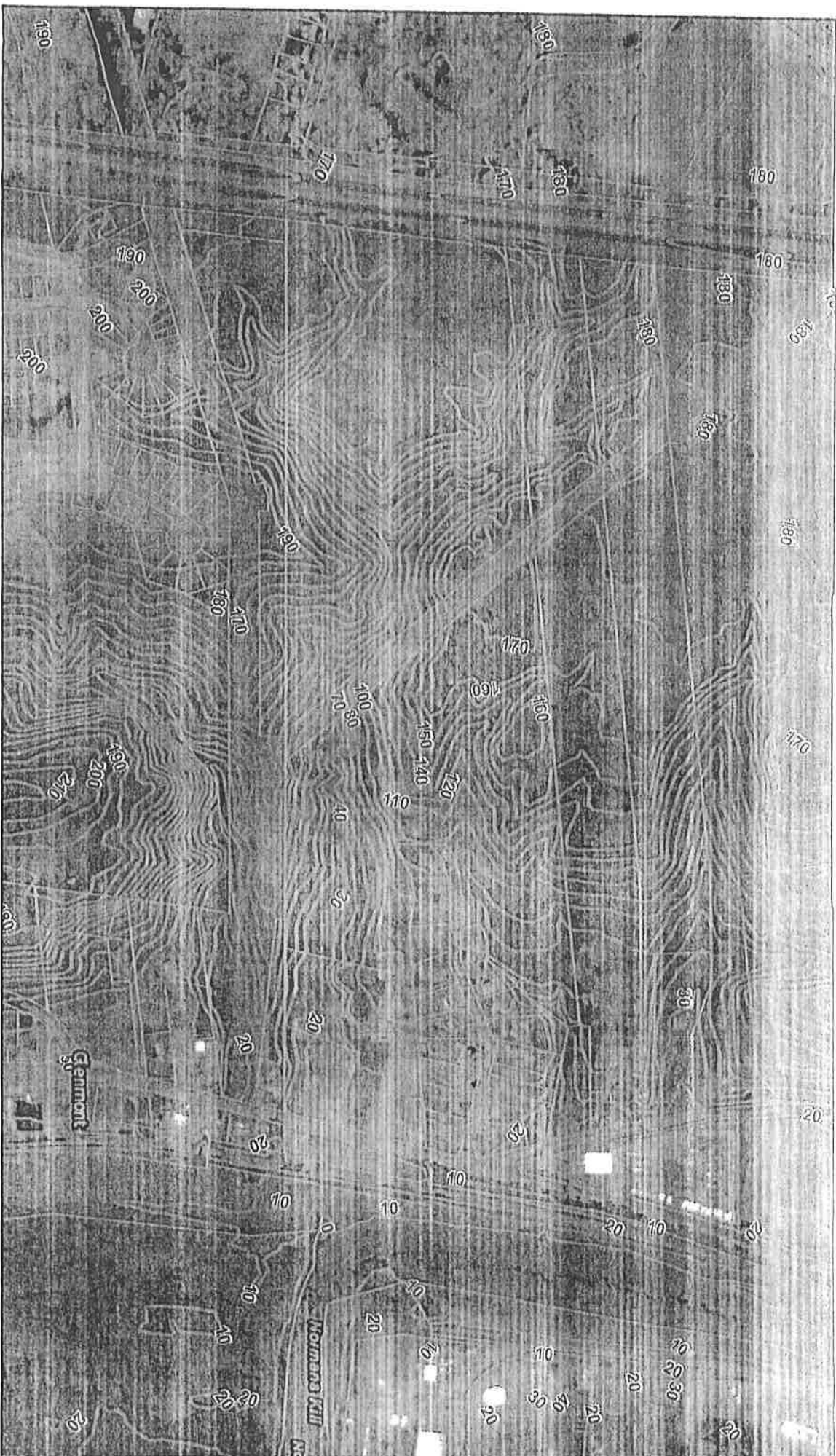


DELMAR, NY

2019

EXHIBIT "R"

64 Halter Road 10 Ft contours

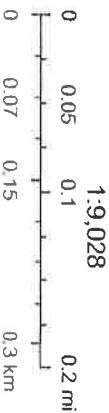


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Municipal Boundaries

Tax Parcels (2019)

10 Ft Contours

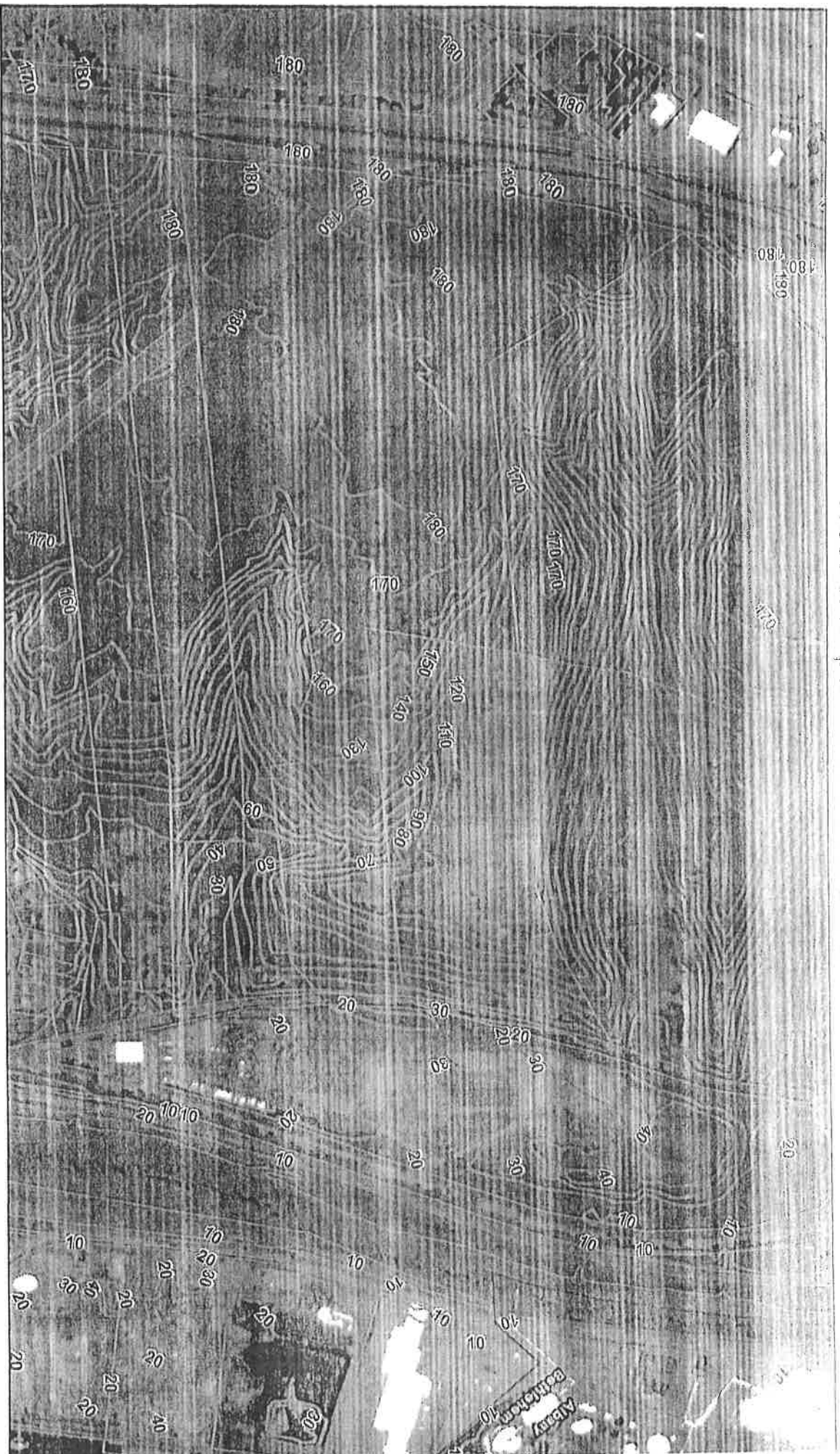


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, OpenStreetMap contributors, and the GIS user community

In Cooperation with CHA II
Esri, HERE, Garmin, IFC, New York State, USDA FSA, GeoEye, Maxar

EXHIBIT "S"

WestRock parcel 10 Ft contours

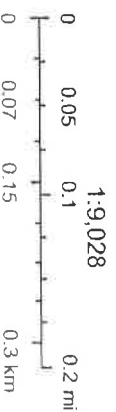


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 Municipal Boundaries

 Tax Parcels (2019)

 10 Ft Contours



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

In Cooperation with CH2M, Inc.
Esri, HERE, Garmin, IGC, New York State, USDA, FSA, GeoEye, Maxar

EXHIBIT “T”

STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY

LORRAINE THOMPSON, VALERIAN MASAO,
KERRY MCCAREY, JOHN WALLACE
AND KAREN JAMACK, DANIEL FIATO AND
NATASHA FIATO, NATHANIEL GRAY,
DANIEL MAIER AND JOANNE MAIER,
KIRK RHATIGAN AND RACHEL APUNTE,
NICK ESPOSITO, TIMOTHY GROSS
AND SUSAN GROSS, GERTRUDE PRATER,
CHRISTINE DELSIGNORE, JOHN BOHL AND
KATHLEEN BOHL, BARBARA RISCavage,
ANGELA VANFONDA, PHILLIP ROWLANDS AND
CYNTHIA ROWLANDS, EBEN COREY AND JANINE GOETZ,
AMY MUSIKER, LORI DEMPFF, STEVEN KONAS AND
SUSAN KONAS, LYNNE MCLEER, AND SHERI CANFIELD

NOTICE OF PETITION

Index#: _____

Petitioners,

-against-

**ORAL ARGUMENT
REQUESTED**


ALBANY PORT DISTRICT COMMISSION
TOWN OF BETHLEHEM PLANNING BOARD,
TOWN OF BETHLEHEM ZONING BOARD OF
APPEALS, AND TOWN OF BETHLEHEM

Respondents.

PLEASE TAKE NOTICE, that upon the annexed verified petition and the exhibits annexed thereto, the undersigned attorneys will move this Court at the Albany County Courthouse located at 16 Eagle Street, Albany, New York 12207, at 9:30 a.m. on August 25, 2022, or soon thereafter as counsel may be heard, for an Order pursuant to Section 282 of the Town Law of the State of New York, to review and annul the Respondents Approvals for the project known as "Albany Port District Commission Industrial Park Project (Port of Albany Expansion Marmon/ Welcon Off Shore Wind Tower Manufacturing Plan)," the SEQR Findings including but not limited to the Supplemental Environmental Impact Statement and Findings, SEQR Determinations, Zoning Board of Appeals Decision and Planning Board Conditional Site Plan Approval Resolution dated May 17, 2022, filed May 18, 2022 with the Town of Bethlehem Clerk, and for such other and further relief as may be just, proper and equitable.

PLEASE TAKE FURTHER NOTICE, that an answer, certified transcript of the record of the proceeding, and supporting affidavits, if any, shall be served at least five days before the aforesaid date of hearing pursuant to Sections 7804(c) and 7804(e) of the Civil Practice Law and Rules.

Dated: June 17, 2021
Albany, New York


TOBIN AND DEMPf, LLP

R. Christopher Dempf, Esq.,
Attorneys for Petitioners
515 Broadway
Albany, New York 12207
Telephone: (518) 463-1177
Email: rcdempf@tdlaws.com

To: Albany Port District Commission,
Town of Bethlehem Planning Board,
Town of Bethlehem Zoning Board of Appeals,
and Town of Bethlehem

STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY

LORRAINE THOMPSON, VALERIAN MASAO,
KERRY MCCAREY, JOHN WALLACE
AND KAREN JAMACK, DANIEL FIATO AND
NATASHA FIATO, NATHANIEL GRAY,
DANIEL MAIER AND JOANNE MAIER,
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KATHLEEN BOHL, BARBARA RISCavage,
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CYNTHIA ROWLANDS, EBEN COREY AND JANINE GOETZ,
AMY MUSIKER, LORI DEMPf, STEVEN KONAS AND
SUSAN KONAS, LYNNE MCLEER, AND SHERI CANFIELD

VERIFIED PETITION

Index#: _____

Petitioners,

-against-

ALBANY PORT DISTRICT COMMISSION
TOWN OF BETHLEHEM PLANNING BOARD,
TOWN OF BETHLEHEM ZONING BOARD OF
APPEALS, AND TOWN OF BETHLEHEM

Respondents.

Petitioners, Lorraine Thompson, Valerian Masao, Kerry McCarey, John Wallace and Karen Jamack, Daniel Fiato and Natasha Fiato, Nathaniel Gray, Daniel Maier and Joanne Maier, Kirk Rhatigan and Rachel Apunte, Nick Esposito, Timothy Gross and Susan Gross, Gertrude Prater, Christine Delsignore, John Bohl and Kathleen Bohl, Barbara Riscavage, Angela Vanfonda, Phillip Rowlands and Cynthia Rowlands, Eben Corey and Janine Goetz, Amy Musiker, Lori Dempf, Steven Konas and Susan Konas, Lynne Mcleer, and Sheri Canfield by and through their attorneys, Tobin and Dempf, LLP, as and for a Verified Petition, upon information and belief

state as follows:

PRELIMINARY STATEMENT

1. This is an Article 78 proceeding to review the project known as the Albany Port District Commission Industrial Park Project (Port of Albany Expansion Marmon/ Welcon Off Shore Wind Tower Manufacturing Plant) (hereinafter known as "Wind Tower Factory"), the actions of Respondents, Town of Bethlehem Planning Board, Town of Bethlehem, Zoning Board of Appeals, Albany Port District Authority. Petitioners seek to annul and reverse such resolutions and for an Order pursuant to Section 282 of the Town Law of the State of New York, to review and ultimately annul the Planning Board's SEQR resolutions allegedly and upon information and belief summarized as follows: on May 5, 2020 declaring the Final Generic Environmental Impact Statement for the project complete and issuing a findings statement; a resolution on June 2, 2020, of a SEQR positive declaration and that it would continue as lead agency; that additional site requirements were determined necessary by the Applicant and that it resolved on July 6, 2021 that a Supplemental Draft Environmental Impact Statement (SDEIS) would be required and submitted by Applicant dated October 2021 with public comments and public hearing held December 7, 2021 with public comments through December 17, 2021; resolution adopted March 1, 2022 declaring the final Supplemental Environmental Impact Statement (SEIS) complete and thereafter it issued its SEQR findings statement pursuant to resolution adopted March 15, 2022, that the Zoning Board of Appeals granted certain height, setback, planting and other variances, and thereafter the Planning Board issued its site plan approval dated May 17, 2022 which was then filed in the Town of Bethlehem Clerk's office on March 18, 2022; "Site Plan Approval" resolution dated May 17, 2022, filed May 18, 2022 in the Bethlehem Town Clerk's Office , and to grant the Petitioners such other and further relief as the

Court may deem just, proper, and equitable to otherwise annul and reverse the Planning Board's determination made on May 17, 2022 and filed in the Town of Bethlehem Clerk's Office on May 18, 2022, (see Approval documents referred to as Exhibit "A") referred to here as "Wind Tower Factory".

PARTIES

2. Petitioners, Lorraine Thompson, Valerian Masao, Kerry McCarey, John Wallace and Karen Jamack, Daniel Fiato and Natasha Fiato, Nathaniel Gray, Daniel Maier and Joanne Maier, Kirk Rhatigan and Rachel Apunte, Nick Esposito, Timothy Gross and Susan Gross, Gertrude Prater, Christine Delsignore, John Bohl and Kathleen Bohl, Barbara Riscavage, Angela Vanfonda, Phillip Rowlands and Cynthia Rowlands, Eben Corey and Janine Goetz, Amy Musiker, Lori Dempf, Steven Konas and Susan Konas, Lynne Mcleer, and Sheri Canfield at all times relevant, were and owners and/or residents of certain real property adversely impacted by the proposed Wind Tower Factory along River Road in the Town of Bethlehem, Albany County, New York, and Respondents' decisions and approvals herein.

- a. Lorraine Thompson
38 Old River Road
Glenmont, New York 12077
- b. Valerian Masao
30 Old River Road
Glenmont, New York 12077
- c. Garrett McCarey
36 Old River Road
Glenmont, New York 12077
- d. John Wallace and Karen Jamack
35 Old River Road
Glenmont, New York 12077

- e. Daniel Fiato and Natasha Fiato
5 Anders Lane
Glenmont, New York 12077
- f. Nathaniel Gray
9 Anders Lane
Glenmont, New York 12077
- g. Daniel Maier and Joanne Maier
11 Anders Lane
Glenmont, New York 12077
- h. Kirk Rhatigan and Rachel Apunte
93 Glenmont Road
Glenmont, New York 12077
- i. Nick Esposito
224 River Road
Glenmont, New York 12077
- j. Timothy Gross and Susan Gross (Also, owners of 215 River Road)
219 River Road
Glenmont, New York 12077
- k. Gertrude Prater
215 River Road
Glenmont, New York 12077
- l. Christine Delsignore
201 River Road
Glenmont, New York 12077
- m. John and Kathleen Bohl (Also, owners of 187 River Road; Lot on
185 River Road Corner of River Road and Halter Road; and
Glenmont, New York 12077 10 Halter Road)
- n. Barbara Riscavage
177 River Road
Glenmont, New York 12077
- o. Angela Vanfonda
175 River Road
Glenmont, New York 12077

- p. Phillip Rowlands and Cynthia Rowlands (Owners of Tax Map No. 98.01-54 Halter Road 1-17 (89.90 Acres) and No. 90.01-1-16 (.57 Acres)
Glenmont, New York 12077
- q. Eben Corey and Janine Goetz
117 Retreat House Road
Glenmont, New York 12077
- r. Amy M. Musiker
146 Glenmont Road
Glenmont, New York 12077
- s. Lori A. Dempf
74 Hartman Road
Glenmont, New York 12077
- t. Steven Konas and Susan Konas
16 Wiggand Drive
Glenmont, New York 12077
- u. Lynne Mcleer
15 Mallard Road
Glenmont, New York 12077
- v. Sheri Canfield
23 David
Glenmont, New York 12077

3. The Petitioners seek to reverse and annul Respondents Application/Approvals on multiple substantive and procedural grounds.

4. Given such proximity, the character of the proposed project and development, the failure of the Respondent Planning Board to act in the manner prescribed by law, the adverse affect on the of quiet enjoyment of Petitioners' properties, the adverse impact on Petitioners' real property and the value thereof, as well as adversely affecting Petitioners' use, health, safety, and welfare of same, resulting from Respondents' approval, Petitioners are aggrieved persons.

5. Respondent, Town of Bethlehem Planning Board ("Planning Board") and Zoning

Board of Appeals are duly organized Boards of the Town of Bethlehem existing pursuant to Town Law § 271 *et seq.*

6. Respondent, Town of Bethlehem ("Town"), is a municipal corporation existing by and under the laws of the State of New York.

7. Respondent Albany Port District Commissions is a public benefit corporation existing and operating by virtue of the laws of the State of New York, with offices at 106 Smith Boulevard, Albany, New York 12202.

FACTS

8. Pursuant to New York Town § 282, this proceeding is brought to review and ultimately annul the Board's various SEQR resolutions and findings as well as the Zoning board of Appeals decision and to annul and reverse its conditional Site Approval dated May 17, 2022 and filed in the Town of Bethlehem Clerk's office on May 18, 2022 on the grounds that its various decisions were arbitrary, capricious, and contrary to law and the facts disclosed by the record, which record will be submitted by Respondent Town as part of this proceeding, for which Petitioners reserves the right to supplement.

9. Notice: Petitioners were not provided adequate notice of the public meetings and were not noticed with an opportunity to comment and provide input for the development of the environmental impact statement. Written notice should have been provided to all residents impacted by this project. Respondents disregarded the required notice. Respondents provided mailed written notice to residents within 200 feet but here the recipients of such notice are commercial owners. Not to provide such written notice to residential property owners within the impact area (1-2 miles) for the present 80 acre project, with near and distant views and impacts, is not within the spirit of the law and the duties that a lead agency supervising the Environmental

Impact Statement Process is mandated to follow.

10. Failure to Consider the Character of the Neighborhood: Petitioners, especially those living on Old River Road, Anders Lane, Glenmont Road, River Road, Halter Road, and Retreat House Road, were within the area most adversely and directly impacted yet ignored. The GEIS and SEIS fail to identify the nearby residences (mostly existing long before zoning codes were established in the Town of Bethlehem). (See Exhibit "B" and "C" – which are Google Maps with Petitioners, neighborhoods and school buildings identified).

11. Visual Impact: Respondents, rather than continue an existing buffer from River Road on the City of Albany side of the Port, chose to diminish the buffer as shown on the Visual Impact Assessment Report ("Appendix A") to maximize the building size making this project incompatible with the surrounding neighborhoods -- 3,600 foot visual building site along River Road with four massive buildings, between 83 and 110 feet tall, and twenty, 27-foot tall smoke stacks (12 football fields in width). The Report does not provide distances of the nearby homes from the proposed site. The Visual Impact Assessment Report only specifically identifies one home, on Old River Road, as being visual impacted. This is simply not true. All Parties referred to in Paragraph 2 (a) - (r) above are visually impacted. For example, see Fiato Pictures (and concerns about vehicle accidents, fly ash, and pollution, noise and safety of children), 5 Anders Lane (Exhibit "D"); Gross-Prater Pictures, 219 and 215 River Road (Exhibit "E"); Riscavage Picture, 177 River Road (Exhibit "F").

Respondents' Visual Impact Assessment Report fails to consider distant views from Rowlands' 89 acre property, Musiker's 55 acre property, as well as views from property owners along Halter Road and River Road, Anders Lane, Glenmont Road, Old River Road, and Retreat House Road.

The Visual Impact Assessment report date July 2021, updated October 2021, does not show the smoke stacks (Attachment 9) to scale nor does it show the massive size of the building and smoke stacks in comparison with the existing Petitioners houses along River Road, for example. The visual analysis is deficient. Also, to show the square footage without length and width of the massive buildings defeats the purpose of the analysis. It would have been helpful if Respondents showed a simulation of what 110-foot tall buildings would look like for all seasons from multiple locations.

The visual analysis relied upon by the Respondents reflects July photographs and fails to show the seasonal changes, which is misleading. There are no leaves on the trees from November through mid- May – 6 ½ months. Thus, half the year is missing from the visual analysis. Further, while there is a visual simulation along the Hudson River, no such visual simulation was provided along River Road and the properties identified herein at paragraph 2 (a) – (r) at different topographic levels of sight.

The Respondents' Visual Impact Assessment Report relied on two resources for preparation and cited: (1) NYS DEC: DEP - Assessing and Mitigating Visual Impacts, and (2) NYS DOT: Guidelines for Visual Impact Assessment of Highway Projects. Importantly, those resources suggest the following:

Visual Impact Assessment (or VIA) is the analysis of the potential visual impacts to the landscape and landscape views resulting from a proposed development or land management action. (The Bureau of Land Management – Visual Impact Assessment Methodologies).

Visual impacts caused by a highway project are seen both by people travelling on the road and by neighbors adjacent to it. The importance of views from the road has long been recognized. In recreation surveys, Americans have repeatedly ranked pleasure driving on scenic roads as one of their favorite activities. Researchers have also shown that the view from the road is the basis for much of what we know about our everyday environment and for our mental image of our surroundings. For this reason, people are rightly concerned with the visual highways traversing their town or city. Research shows

that not only do these first impressions count in how a community is perceived, but they also affect a community's social civility and economic vitality. Roads move more than people, goods and services – they are extensions of a community's values and aesthetic preferences. (NYS DOT: Guidelines for the Visual Impact Assessment of Highway Projects.)

Therefore, based on the guidelines presented by both NYS DEC and NYS DOT (and cited in the Visual Impact Assessment Report), it is clear that the approach and assessments fall short of an accurate and reliable identification of highway corridors, neighborhoods and sites where potential visual impacts may occur from construction of the proposed project. In addition to the Petitioners, many neighbors from Quail Hollow, The Legends, Wiggand and Hartman Road, work in downtown Albany, New York and prefer to travel River Road instead of Route 9W to get to work. These neighbors have signed petitions to annul approval of the Wind Tower Factory. (See Exhibit "G").

12. Air Quality: The purported report of Respondents' appears to use a heavy industry standard rather than considering the residential nature of the Petitioners' and other homes. Air, as well as noise, travels up the hill and over to the neighborhood even a mile or two away from this factory. These factors were not considered by Respondents, rendering the report and approvals deficient.

Moreover, there was no consideration of particulate size and likelihood of wind pushing this air pollution uphill to the neighborhoods directly west of the Wind Tower Factory (i.e. Halter Road, Retreat House Road, Quail Hollow, The Legends, and Glenmont Elementary School). The purported study appears conclusory and makes generalized statements without properly identifying in more detail the types of pollution to be emitted by the Wind Tower Factory and the cumulative effect of the same. The Respondents' analysis consists of bald, conclusory statements that were merely accepted by Respondents without taking a hard look at

the issues presented, including whether harmful chemical by-products are likely carried by air currents, especially to adjoining neighborhoods below the Glenmont Hill and, as well as those residential neighborhoods and the Glenmont Elementary School above the Glenmont hillside.

13. Inconsistencies in Approval Documents: The approval documents appear inconsistent. For example, the March 15, 2022 SEIS approved reference to the building size of 589,500 s/f for Buildings A, B, C, D; however, the final SEQR approval references 604,264 s/f and the Planning Board Conditional Site Plan Approval references 603,238 s/f for these buildings. Such inconsistencies mandate amendment at a noticed public board meeting to be presented, discussed, voted and approved with appropriate filing of the Amended Conditional Site Plan Approval with the Town Clerk's Office.

14. In addition to Petitioners, many neighboring residents adversely affected by the massive size and adverse environmental impacts of the Wind Tower Factory, signed the Petition opposing the project residing on:

	Number of House Hold
A. Old River Road	6
B. Anders Lane	3
C. Glenmont Road	5
D. River Road	7
E. Halter Road	11
F. Retreat House Road	6
G. Hartman Road	5
H. Quail Hollow	32
I. Wiggand Drive	2

(See Exhibit "G")

STATE ENVIRONMENTAL QUALITY REVIEW ACTION ("SEQR")

15. A proceeding must be brought within the appropriate time after conditional plat approval, rather than final approval when challenging approval for a subdivision (Entergy Nuclear Indian Point 2, LLC v. N.Y. State Dep't of Env'tl. Conservation, 2 Misc.3d 1070 [Sup.

Ct. Albany Co. 2004])).

16. Under SEQR, the lead agency is required to determine whether or not the proposed Plan may have significant effects on the environment before it approves the action (6 NYCRR § 617.3 [a]).

17. The lead agency must identify relevant areas of environmental concern, take a “hard look” at them, and give written findings that SEQR’s requirements have been satisfied (Matter of Town of Amsterdam v. Amsterdam Indus. Dev. Agency, 95 A.D.3d 1539 [3d Dept. 2012]; NY ECL 8-0109 [8]).

18. Under SEQR, a lead agency making a determination of significance in an unlisted action is required to:

- a. Review the environmental assessment form (“EAF”) and any other supporting information to identify the relevant areas of environmental concern;
- b. Thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment; and
- c. Set forth its determination of significance in a written form containing a reasoned elaboration and providing reference to any supporting documentation.

19. Relevant indicators of significant adverse impacts on the environment include an adverse change or impact on visual conditions, air quality, pollution, noise, traffic, property values and quality of life as well as in ground or surface water quality or quantity; a substantial increase in potential for erosion or drainage problems; the destruction of large quantities of vegetation or fauna, wildlife; changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment (6 NYCRR § 6 17); cumulative impacts.

20. Before approving a proposed project, the Board must make express written

findings that SEQR requirements have been satisfied and must prepare a written statement of the facts and conclusions relied on in the final environmental impact statement ("FEIS") or comments (Amsterdam, 95 A.D.3d at 1542).

21. "An agency must comply with both the letter and the spirit of the State Environmental Quality Review Act before it will be found to have discharged its responsibility thereunder" (Schenectady Chemicals, Inc. v. Flacke, 83 A.D.2d 460 [3d Dept. 1981]).

22. A lead agency improperly defers its duties when it abdicates its SEQR responsibilities to another agency or insulates itself from environmental decision making (Matter of Riverkeeper, Inc. v. Planning Bd. of Town of Southeast, 9 N.Y.3d 219 [2007]).

23. While a lead agency is encouraged to consider the opinions of experts and other agencies, it must exercise its own judgment in determining whether a particular circumstance adversely impacts the environment (Matter of Riverkeeper, Inc. v. Planning Bd. of Town of Southeast, 9 N.Y.3d 219 [2007]).

24. Under New York Town Law §274-a, the town board may authorize the planning board to review and approve or disapprove site plans.

25. The SEQR review did not adequately consider the visual impacts of this project and did not adequately consider that there were pre-existing homes to the Zoning Code, some of which were over 100 years old, existing long before zoning codes. Similarly, the SEQR failed to adequately consider the long existing residential homes and neighborhoods in this area, as relates to traffic, noise and pollution as well as cumulative impacts.

26. The Board was required to determine whether the Plan proposed by Respondent Albany Port District Commission may have significant adverse effects on the environment, take a "hard look" at them, and give its written findings.

27. Although the Respondents were made aware of the adverse change based upon the SEQR review visual site analysis, air quality and noise analysis, roadway traffic congestion and pollution, it did not give it the requisite "hard look." For example, Petitioners Maier, who reside at 11 Anders Lane, similar to their neighbors, the Fiato, were concerned about traffic accidents and heavy roadway usage by trucks creating dangerous conditions. See Exhibit "H."

28. These failures were exacerbated by the Zoning Board of Appeals' decision to disregard adverse impacts to the Glenmont families and neighborhoods.

29. Rather than requiring the applicant to scale down its project or find another location, the Respondent, Town of Bethlehem, allowed the Respondent, Port of Albany's self-created hardship to supersede the reasonable expectations of some residents – Petitioners who have lived in the Glenmont neighborhood for generations, in homes pre-dating the Town's zoning codes.

30. Respondent, Zoning Board of Appeals, misapplied the facts and the law to grant the variances.

31. Certain concerns regarding conditions during and after construction diminishing property, health, safety and quality of life as set forth below were not adequately considered in the DGIS, SDEIS and SEIS, Zoning Board of Appeals variance and the Planning Board

Conditional Site Plan approval dated May 17, 2022:

- a. Building of massive size and height (over 100' tall) (see variance height and setback) smoke stacks above 100' buildings. Town expressly not restricting antennas or other utilities etc., on roof-tops. (See Exhibit "I", page 1).
- b. Narrative July 21, 2021, employees increasing from 350 to 550 24/7 shifts. (See Exhibit "I", page 2)
- c. Truck entrance and exit during construction – July 21, 2021. Parking lots for 550 employees working 24/7 shifts. What about noise, light pollution

5000 +/- s/f of rock to be drilled or blasted, or crushed on site. (See Exhibit "I", page 3)

- d. Smoke stacks on "blast metallization paint" building. How tall is building with smoke stacks? Emission from smoke stacks. Rail road access DeMartini business easement access from River Road not shown? Welding plant building fumes and noise building fumes and noise. Internal assembly finishing building noise and fumes. (See Exhibit "I", page 4)

- e. Map shows impacted property along
- (1) Old River Road
 - (2) Anders Lane
 - (3) Hartman Road
 - (4) Glenmont Road
 - (5) River Road
 - (6) Halter Road
 - (7) Retreat House Road

The maps do not adequately visualize and show the homes and proximity to the Factory. All Factory buildings need to have pilings pounded into the soil to reach bedrock to support the massive building structure. The number of pilings being pounded into the earth is not shown. Cancerous fly ash is a major health and safety concern. (See Exhibit "I", page 4)

- f. Truck route map as of July 21, 2021 shows an entrance to project from power company easement around the hair-pin turn on River Road to as a primary entrance and exit for trucks during construction.

Adversely affected neighborhoods including

- (1) Quail Hollow
- (2) Wiggand Drive
- (3) Glenmont Abbey Village
- (4) Weiser Street
- (5) Clara Ave
- (6) Glenmont Elementary School

(See Exhibit "I", page 5)

- g. Initially, traffic analysis for 350 employees now 550 employees is planned. More traffic using proposed River Road drive way access near power plant. Truck traffic during construction will use River Road driveway. More truck traffic than estimated with needed 6' of fill instead of 2' of fill to cover the fly ash contamination from the power plant. (See Exhibit "I", page 6)

- h. Traffic (Trip Generation) Factory estimate of 350 employees is now 550 employees.

These estimates do not seem to consider lunch for employees coming and going during their work shifts for doctor appointments, family errands, meetings offsite. Truck traffic during construction with 6' of fill required instead of 2' of fill is not consider in this July 21, 2021 study. (See Exhibit "I", page 7)

- i. If 6' of soil fill the buildings finished floor will be 6' above the flood plain and the buildings now 106' not 100'. The antennas building mechanicals and other structures will increase the height.
Piles being driven into bedrock and noise and air pollution.
Noise; dust from fly ash, a known carcinogen.
Fly ash contamination of the water table and Hudson River is a concern.
"Excavated soils" contaminated with fly ash?
Granular fill likely to be substantial and will result in increased trucking into and out of the Factory site during construction. (See Exhibit "I", page 8)
- j. Diesel track will be idling while in line waiting to make deliveries of construction materials and while in line to leave the factory; idling in traffic; air pollution not properly considered.
- k. The close proximity of the Factory buildings and parking lots to River Road is inconsistent with existing Albany Port Authority complex with 1000 + set back from River Road and demonstrates that this Factory is too large for this location.
- l. Seasonal (winter, spring, summer and fall) visual views with 100' tall buildings not provided.
- m. Consider closing off Anders Road and making a dead end street at intersection with River Road (health, safety issues). River Road with limited sight distance remains at 55mph – unsafe.
- n. Consider Park and Ride with electric buses location so factory and access roads are not burdened with traffic congestion and pollution. For example, a Town owned location leased to port. To Town, i.e. optioned land between River Road and Route 9W along Wemple Road. See Town Board meeting dated June 8, 2022.
- o. Failure to consider roof-top gardens on top of factory roofs.
- p. Where are on site employee conveniences, cafeteria restaurant, Tavern etc;

where will truck deliveries for employee services to access the site, and is this considered in the traffic study?

- q. Proposed private waste treatment plant on site for what type of waste? How will waste be removed from site? How will these trucks access the site; what about pollution (air and water)?
- r. What about the multiple air and water pollution and odors generated during and after factory construction and who will be monitoring same and how will this information be available to regulating agencies and to the public.
- s. How will traffic usage be monitored during construction and after construction and what agency will monitor and how will the public have access to this information?
- t. This massive Factory is similar to the Plastics Plant and other heavy industry along Creble Road and Route 32 near Feura Bush; however there are no homes within one (1) mile of the Selkirk Plastic Plant and industry site there; the proposed River Road Factory Site while in excess of 300 residential homes exist within one (1) mile of the proposed River Road factory.
- u. The review is further deficient in that it fails to consider the adverse effects and cumulative affects with other River Road and Port industries for air quality and pollution on multiple food gardens located at directly impacted properties along Old River Road, Anders Lane, Glenmont Road, River Road, Halter Road, Retreat Home Road and Hartman Road as well as the adversely affected neighborhoods including Quail Hollow, Wiggand Drive, Glenmont Abbey Village, Weiser Street, and Clara Ave,.
- v. Many houses in the directly impacted site area already have gardens which fee these families.
- w. Respondents fail to consider the loss of 80 + acres of trees and vegetation as a mitigating factor air pollution in the directly impacted area the cumulative surge in CO-2 and other hazardous emissions, traffic congestion, health, safety and welfare, affecting the directly impacted property owners.
- x. Many homes in the impacted area have swimming pools and foundations built into existing bedrocks; there is inadequate consideration from the impacts of drilling, pounding, dynamite or the proposed new parking lot access for 550 employees along River Road and the pile driving necessary construct buildings A, B, C, D; number of pilings required to be made in the fly ash soil is not adequately analyzed and discussed; in order to

support the massive building:

- (1) Building "A" Plate preparation and welding (299, 250, s/f) 100+/- height approximately 3.3 football fields long and 1 football field wide along River Road.
- (2) Building "B" Welding finishing (111,000 s/f) height 1 football field long and 1.5 football fields wide along River Road.
- (3) Building "C" Blast – Metalization – Paint (131,415 s/f) 110 feet high approximately 2 football fields long and 1 hockey rink wide along River Road, with 30' +/- smoke stacks
- (4) Building "D" Internal assembly 61,550 s/f, 93 feet high approximate 1 hockey rink long and 1 football field wide.
(Football field is 300 feet long)
(Hockey rink is 200 feet long)

y. The Visual Impact Assessment Report dated July 2021 and updated October 2021 is deficient and skewed. The view scope, if properly simulated for this project along River Road, with the bend in the road, will make this project (Building A, B, C, D) appear to be a single, 100-foot high, continuous wall, that is 3,600 feet long. A visual rendering from Smatz Road to Corning Hill and Retreat House Road, as well as the properties of all property owners, would be more accurate. (See Exhibits "B," "C," and "G").

32. The Respondent Planning Board failed to review and thoroughly analyze the adverse environmental effects on the residential homes in proximity of the Applicants' project are zoned heavy industrial.

33. Respondents in their analysis did not consider cumulative impacts.

34. The reports and SEIS is inadequate to support the Respondents decisions prepared by the Respondent.

35. Although the approval of the Plan was conditional, the Petitioners bring this proceeding within the appropriate time, because after the application meets the conditions required by the Respondent, final approval will occur without further review.

36. Furthermore, the Respondent Planning Board violated the Town of Bethlehem's Subdivision Regulations as well as both the procedural and substantive requirements of SEQRA and failure to provide a reasoned elaboration of its negative declaration, improper delegation of its responsibilities to the storm water management coordinator, and decision to grant conditional final plat approval.

WHEREFORE, based upon the foregoing Petitioners reserve the right to amend and supplement this petition and Petitioners request that an answer, certified transcript of the record of the proceeding, and supporting affidavits, if any, shall be served at least five days before the aforesaid date of hearing pursuant to Sections 7804(c) and 7804(e) of the Civil Practice Law and Rules, be reversed and annulled and that the Petitioners be awarded with such other and further relief as the Court deems just and proper.



R. Christopher Dempf, Esq,
TOBIN AND DEMPFF, LLP
Attorneys for Petitioners
515 Broadway
Albany, New York 12207
Telephone: (518) 463-1177

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

LORRAINE THOMPSON, being duly sworn, deposes and says:

Your deponent is a petitioner, in the within proceeding; your deponent has read the annexed petition and knows the contents thereof and the same are true to your deponent's knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, your deponent believes them to be true. The grounds for your deponent's belief as to all matters not stated upon knowledge are as follows: All books, records and correspondence of the petitioner.

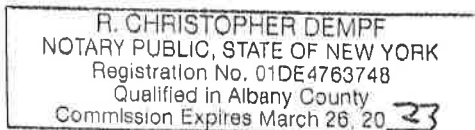

LORRAINE THOMPSON

Sworn to before me this

16th day of June, 2022



Notary Public



STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

VALERIAN MASAO, being duly sworn, deposes and says:

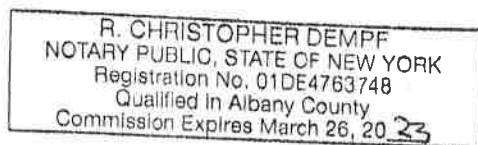
Your deponent is a petitioner, in the within proceeding; your deponent has read the annexed petition and knows the contents thereof and the same are true to your deponent's knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, your deponent believes them to be true. The grounds for your deponent's belief as to all matters not stated upon knowledge are as follows: All books, records and correspondence of the petitioner.


VALERIAN MASAO

Sworn to before me this

16th day of June, 2022


Notary Public



STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

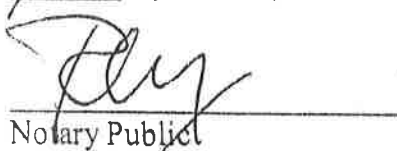
KERRY MCCAREY, being duly sworn, deposes and says:

‘Your deponent is a petitioner, in the within proceeding; your deponent has read the annexed petition and knows the contents thereof and the same are true to your deponent’s knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, your deponent believes them to be true. The grounds for your deponent’s belief as to all matters not stated upon knowledge are as follows: All books, records and correspondence of the petitioner.


KERRY MCCAREY

Sworn to before me this

16 day of June, 2022


Notary Public

R. CHRISTOPHER DEMPFF
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DE4763748
Qualified in Albany County
Commission Expires March 26, 2023

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

X John Wallace

X Karen Amack being duly sworn, deposes and says:

Your deponent is a petitioner, in the within proceeding; your deponent has read the annexed petition and knows the contents thereof and the same are true to your deponent's knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, your deponent believes them to be true. The grounds for your deponent's belief as to all matters not stated upon knowledge are as follows: All books, records and correspondence of the petitioner.

[Signature]
[Signature]

Sworn to before me this

16 day of June, 2022

[Signature]
Notary Public

R. CHRISTOPHER DEMPSE
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DE4763748
Qualified In Albany County
Commission Expires March 26, 20

VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

DANIEL FIATO and NATASHA FIATO, being duly sworn deposes and says: that your deponents are petitioners in the within action; that your deponents have read the Petition and know the contents thereof, that the same is true deponent's knowledge, except as to those matters stated to be alleged upon information and belief, and as to those matters deponent believes them to be true. The ground for your deponents belief are as follows: All books, records and correspondence of the Petition.



DANIEL FIATO



NATASHA FIATO

Sworn to me this
16 day of June, 2022



Notary Public

R. CHRISTOPHER DEMPFF NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01DE4763748 Qualified In Albany County Commission Expires March 26, 20 <u>23</u>
--

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)


NATHANIEL GRAY, being duly sworn, deposes and says:

Your deponent is a petitioner, in the within proceeding; your deponent has read the annexed petition and knows the contents thereof and the same are true to your deponent's knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, your deponent believes them to be true. The grounds for your deponent's belief as to all matters not stated upon knowledge are as follows: All books, records and correspondence of the petitioner.



NATHANIEL GRAY

Sworn to before me this
16th day of June, 2022



Notary Public

R. CHRISTOPHER DEMPFF
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DE4763748
Qualified in Albany County
Commission Expires March 26, 2023

STATE OF NEW YORK)

COUNTY OF ALBANY)

ss:

Daniel Maier and Joanne Maier, being duly sworn, dispose and say:

Your deponents are petitioners; In the within proceeding; have read the annexed petition and know the contents thereof and the same true to your deponent's knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, your deponents believe them to be true. The grounds for your deponent's belief as to all matters not stated upon knowledge are as follows: All books, records and correspondence of the petitioner.

Daniel Maier

Daniel Maier

Sworn to before me this

16th day of June, 2022

[Signature]

Notary Public

Joanne Maier

Joanne Maier

R. CHRISTOPHER DEMPFF
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DE4763748
Qualified in Albany County
Commission Expires March 28, 2023

VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

KIRK RHATIGAN and RACHEL APUNTE, being duly sworn deposes and says: that your deponents are petitioners in the within action; that your deponents have read the Petition and know the contents thereof, that the same is true deponent's knowledge, except as to those matters stated to be alleged upon information and belief, and as to those matters deponent believes them to be true. The ground for your deponents belief are as follows: All books, records and correspondence of the Petition.

Kirk M. Rhatigan

KIRK RHATIGAN

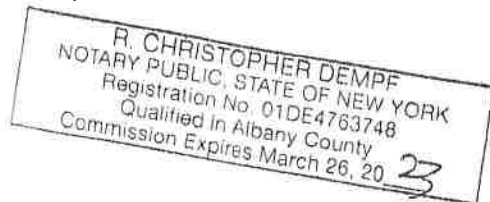
Rachel Apunte

RACHEL APUNTE

Sworn to me this
16 day of June, 2022

[Signature]

Notary Public



STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

NICK ESPOSITO, being duly sworn, deposes and says:

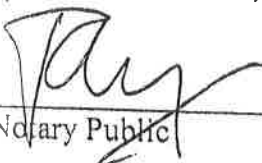
Your deponent is a petitioner, in the within proceeding; your deponent has read the annexed petition and knows the contents thereof and the same are true to your deponent's knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, your deponent believes them to be true. The grounds for your deponent's belief as to all matters not stated upon knowledge are as follows: All books, records and correspondence of the petitioner.



NICK ESPOSITO

Sworn to before me this

16th day of June, 2022



Notary Public

R. CHRISTOPHER DEMPF
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DE4763748
Qualified in Albany County
Commission Expires March 26, 2023

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

Timothy Gross

SUSAN GROSS, being duly sworn, deposes and says:

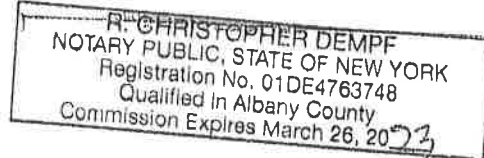
Your deponent is a petitioner, in the within proceeding; your deponent has read the annexed petition and knows the contents thereof and the same are true to your deponent's knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, your deponent believes them to be true. The grounds for your deponent's belief as to all matters not stated upon knowledge are as follows: All books, records and correspondence of the petitioner.

Sworn to before me this

16 day of June, 2022

[Signature]

Notary Public

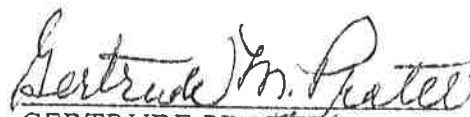


**Susan P. Gross* **Timothy Gross*
SUSAN GROSS Timothy Gross

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

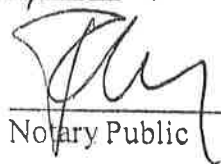
GERTRUDE PRAPER, being duly sworn, deposes and says:

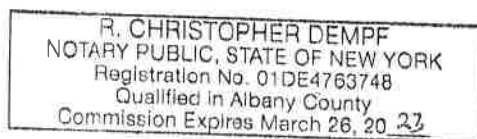
Your deponent is a petitioner, in the within proceeding; your deponent has read the annexed petition and knows the contents thereof and the same are true to your deponent's knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, your deponent believes them to be true. The grounds for your deponent's belief as to all matters not stated upon knowledge are as follows: All books, records and correspondence of the petitioner.


GERTRUDE PRAPER

Sworn to before me this

16th day of June, 2022


Notary Public



STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

CHRISTINE DELSIGNORE, being duly sworn, deposes and says:

Your deponent is a petitioner, in the within proceeding; your deponent has read the annexed petition and knows the contents thereof and the same are true to your deponent's knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, your deponent believes them to be true. The grounds for your deponent's belief as to all matters not stated upon knowledge are as follows: All books, records and correspondence of the petitioner.


CHRISTINE DELSIGNORE

Sworn to before me this
16th day of June, 2022

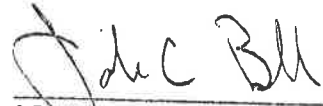

Notary Public

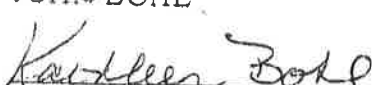
R. CHRISTOPHER DEMPFF
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DE4763748
Qualified in Albany County
Commission Expires March 26, 2023

VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

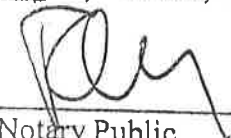
JOHN BOHL and KATHLEEN BOHL, being duly sworn deposes and says: that your deponents are petitioners in the within action; that your deponents have read the Petition and know the contents thereof, that the same is true deponent's knowledge, except as to those matters stated to be alleged upon information and belief, and as to those matters deponent believes them to be true. The ground for your deponents belief are as follows: All books, records and correspondence of the Petition.



JOHN BOHL


KATHLEEN BOHL

Sworn to me this
16 day of June, 2022



Notary Public

R. CHRISTOPHER DEMPSE
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DE4763748
Qualified in Albany County
Commission Expires March 26, 2023

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

BARBARA RISCAVGE, being duly sworn, deposes and says:

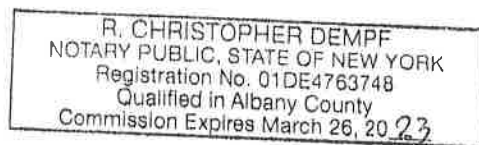
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Barbara Riscavage
BARBARA RISCAVGE

Sworn to before me this

16 day of June, 2022

[Signature]
Notary Public



STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

ANGELA VANFONDA, being duly sworn, deposes and says:

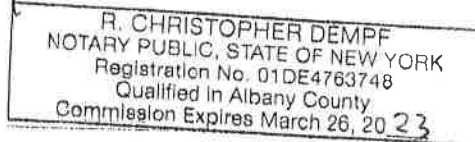
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ANGELA VANFONDA

Sworn to before me this
16th day of June, 2022




Notary Public

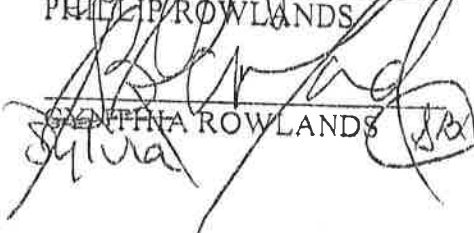


VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

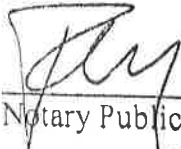
^{Sylvia}
PHILLIP ROWLANDS and CYNTHIA ROWLANDS, being duly sworn deposes and says; that your deponents are petitioners in the within action; that your deponents have read the Petition and know the contents thereof, that the same is true deponent's knowledge, except as to those matters stated to be alleged upon information and belief, and as to those matters deponent believes them to be true. The ground for your deponents belief are as follows: All books, records and correspondence of the Petition.



PHILLIP ROWLANDS


CYNTHIA ROWLANDS

Sworn to me this
16 day of June, 2022



Notary Public

R. CHRISTOPHER DEMPFF
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DE4763748
Qualified In Albany County
Commission Expires March 26, 2027

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

EBEN COREY, being duly sworn, deposes and says:

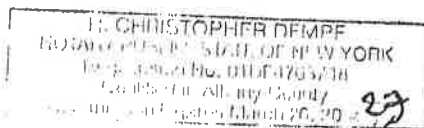
Your deponent is a petitioner, in the within proceeding; your deponent has read the annexed petition and knows the contents thereof and the same are true to your deponent's knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, your deponent believes them to be true. The grounds for your deponent's belief as to all matters not stated upon knowledge are as follows: All books, records and correspondence of the petitioner


EBEN COREY

Sworn to before me this

17 day of June, 2022


Notary Public



STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

JANINE GOETZ, being duly sworn, deposes and says:

Your deponent is a petitioner, in the within proceeding; your deponent has read the annexed petition and knows the contents thereof and the same are true to your deponent's knowledge, except those matters therein which are stated to be alleged upon information and belief; and as to those matters, your deponent believes them to be true. The grounds for your deponent's belief as to all matters not stated upon knowledge are as follows: All books, records and correspondence of the petitioner.


JANINE GOETZ

Sworn to before me this

17 day of June, 2022



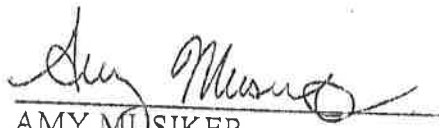
Notary Public




STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

AMY MUSIKER, being duly sworn, deposes and says:

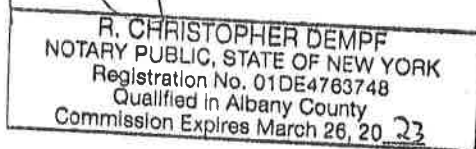
Your deponent is a petitioner, in the within proceeding; your deponent has read the annexed petition and knows the contents thereof and the same are true to your deponent's knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, your deponent believes them to be true. The grounds for your deponent's belief as to all matters not stated upon knowledge are as follows: All books, records and correspondence of the petitioner.


AMY MUSIKER

Sworn to before me this
16th day of June, 2022



Notary Public



STATE OF NEW YORK)
) ss;
COUNTY OF ALBANY)

Cori Dempf being duly sworn, deposes and says:

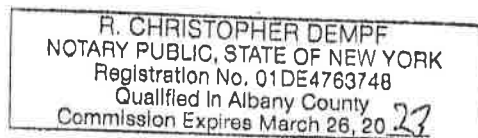
Your deponent is a petitioner, in the within proceeding; your deponent has read the annexed petition and knows the contents thereof and the same are true to your deponent's knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, your deponent believes them to be true. The grounds for your deponent's belief as to all matters not stated upon knowledge are as follows: All books, records and correspondence of the petitioner.

Lu Dempf

Sworn to before me this

16 day of June, 2022

R. Christopher Dempf
Notary Public



STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

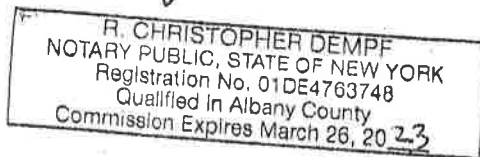
Steven / *Susan Konas*
~~STEPHEN~~ KONAS, being duly sworn, deposes and says:

Your deponent is a petitioner, in the within proceeding; your deponent has read the annexed petition and knows the contents thereof and the same are true to your deponent's knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, your deponent believes them to be true. The grounds for your deponent's belief as to all matters not stated upon knowledge are as follows: All books, records and correspondence of the petitioner.

Sworn to before me this

16th day of June, 2022

[Signature]
Notary Public

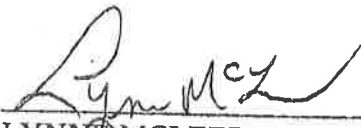


[Signature]
STEPHEN KONAS
Steven
[Signature]
Susan Konas

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

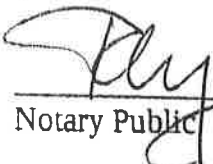
LYNNE MCLEER, being duly sworn, deposes and says:

Your deponent is a petitioner, in the within proceeding; your deponent has read the annexed petition and knows the contents thereof and the same are true to your deponent's knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, your deponent believes them to be true. The grounds for your deponent's belief as to all matters not stated upon knowledge are as follows: All books, records and correspondence of the petitioner.


LYNNE MCLEER

Sworn to before me this

16 day of June, 2022


Notary Public

R. CHRISTOPHER DEMPFF
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DE4763748
Qualified in Albany County
Commission Expires March 26, 20

STATE OF NEW YORK)
) ss:
COUNTY OF ALBANY)

Sheei Canfield being duly sworn, deposes and says:

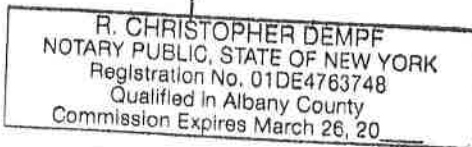
Your deponent is a petitioner, in the within proceeding; your deponent has read the annexed petition and knows the contents thereof and the same are true to your deponent's knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, your deponent believes them to be true. The grounds for your deponent's belief as to all matters not stated upon knowledge are as follows: All books, records and correspondence of the petitioner.

Sheei Canfield

Sworn to before me this

16th day of June, 2022

[Signature]
Notary Public



Subject: FW: APDC - Marmon & Welcon Wind Tower Manufacturing Facility, 309 River Rd, Glenmont - Site Plan Application 21-00100006 - SPA 304 - Approved 05/17/2022
From: "Nanci Moquin" <NMoquin@townofbethlehem.org>
Sent: 6/14/2022 2:14:13 PM
To: "Clara Dempf" <cdempf@tdlaws.com>;
Attachments: 2021--07-06 SEQR Pos Dec - Supplemental DEIS - APDC-M&W.pdf; 2021--11-16 SEQR Resolution - Supp DEIS Completeness & PH - APDC-M&W.pdf; 2022--03-01 SEQR Resolution - Acceptance of Supp FEIS - APDC-M&W.pdf; 2022--03-15 SEQR Findings Statement - APDC-M&W.pdf; 2022--03-15 SEQR Resolution - Adopting Findings Stmt for Supp FEIS - APDC-M&W.pdf; 2022--05-17 SPA 304 - 21-00100006 - APDC Marmon & Welcon, 309 River Rd, Glenmont.pdf

It was filed on time.

Nanci Moquin
Town Clerk
445 Delaware Ave.
Delmar, NY 12054
(518) 439-4955 x 1183
nmoquin@townofbethlehem.org

From: Deborah Kitchen
Sent: Wednesday, May 18, 2022 12:22 PM
To: Town Clerk <TownClerk@townofbethlehem.org>
Cc: Robert Leslie <rleslie@townofbethlehem.org>; DPWEngineers <DPWEngineers@townofbethlehem.org>
Subject: APDC - Marmon & Welcon Wind Tower Manufacturing Facility, 309 River Rd, Glenmont - Site Plan Application 21-00100006 - SPA 304 - Approved 05/17/2022

Town Clerk,

Attached please find approval document(s) for the subject project which I am required to file in the Office of the Town Clerk.

Debbie

Deborah Kleinke Kitchen
Assistant to the Town of Bethlehem EDP & Planning Board
445 Delaware Avenue, Rm 203, Delmar, NY 12054
518-439-4955 x 1159 / dkitchen@townofbethlehem.org
<http://www.townofbethlehem.org/199/Planning-Division>
<http://www.townofbethlehem.org/141/Planning-Board>
Town Hall Hours: Monday-Friday, 8:30-4:30, Following CDC Guidelines!
<https://www.bethlehemforward.com/?HTTPSRedirected=true>



www.bethlehemforward.com

**Get Involved In the Comprehensive Plan Update.
Help plan the future of Bethlehem!**

Ex h/ "A"

This e-mail, including any attachments, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby

PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK

SEQR RESOLUTION

DETERMINATION OF SIGNIFICANCE - POSITIVE DECLARATION

ALBANY PORT DISTRICT COMMISSION INDUSTRIAL PARK PROJECT (PORT OF ALBANY EXPANSION)
MARMEN / WELCON OFFSHORE WIND TOWER MANUFACTURING PLANT
SITE PLAN APPLICATION 21-00100006

- WHEREAS, the Planning Board of the Town of Bethlehem has received a site plan application from the Albany Port District Commission, for the development of the Marmen/Welcon offshore wind tower manufacturing plant, comprising approximately 539,500sqft. of building space in total (Building A -D), located on 81.57 +/- acres located on the east side of Route 144 (River Road) between the Normans Kill and PSEG with the Hudson River located to the east. A Generic Environmental Impact Statement (GEIS) was previously prepared for the development of this land; and,
- WHEREAS, the Planning Board on May 5, 2020 adopted a resolution declaring the Final Generic Environmental Impact Statement for the Albany Port District Industrial Park Project (Port of Albany Expansion) complete, and on June 2, 2020 issued a Findings Statement; and,
- WHEREAS, now that a specific development project (off-shore wind tower manufacturing) and tenant have been identified, additional land area will be needed for project development, which was not included in the GEIS. This includes 14 acres of land located at 700 Smith Boulevard in the City of Albany for Building E (13,500sqft for material receiving), 2.5 acres of land owned by National Grid for employee parking, a building height of 100-feet, and impacts to subaquatic vegetation; and,
- WHEREAS, the additional proposed project components have the potential to create one or more significant adverse environmental impacts related to environmental justice, climate and air quality, traffic and transportation, water service (potable and fire protection), sanitary sewer, historical, cultural and archeological resources, aesthetic and visual resources, land use and zoning, community character and compatibility with comprehensive plan, emergency services, school district, fiscal and economic impact, recreation and open space and preparation of a Supplemental Draft Environmental Impact Statement, for which the applicant has consented, will enable the Planning Board to consider the potential effects.

NOW, THEREFORE, BE IT RESOLVED, by the Bethlehem Planning Board, as follows:

1. That, based upon its review of the full EAF Parts 1 and 2, and its own independent analysis and comparison with the Criteria for Determining Significance found at 6 NYCRR 617.7; the site plan application for the Albany Port District Commission Industrial Park/ Marmen/Welcon Offshore Wind Tower Manufacturing Plant constitutes an action which may have a significant adverse effect on the environment and therefore requires ***preparation of a Supplemental Environmental Impact Statement to address additional project components not considered in the Initial GEIS***; and,
2. That the Planning Board hereby declares that it will continue as Lead Agency for SEQR review; and,

3. It is recognized that a project component (Building E) is located in the City of Albany, for which the Bethlehem Planning Board has no jurisdiction. The City of Albany Planning Board will conduct a site-specific SEQR analysis once the Bethlehem Planning Board has issued its Findings Statement; and,
4. That this Determination of Significance shall be considered a Positive Declaration made pursuant to Article 8 of the Environmental Conservation Law, and the Applicant shall prepare a **Supplemental Draft Environmental Impact Statement (SDEIS)**; and,
5. That the scope of the Supplemental DEIS shall be as set forth in the Scoping Document, dated July 1, 2021; and,
6. The Department of Economic Development and Planning is hereby authorized and directed to prepare, file and publish notice of this Determination as prescribed at 6 NYCRR 617.12.

On a motion by Radworth Anderson, seconded by Scott Lewendon, and a vote of four (4) for, zero (0) against, one (1) abstention and zero (0) absent, this RESOLUTION was adopted on July 6, 2021.

**PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK**

SEQR RESOLUTION

**DETERMINATION OF COMPLETENESS AND ACCEPTANCE OF THE
SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR PUBLIC REVIEW,
ESTABLISHMENT OF PUBLIC COMMENT PERIOD, AND PUBLIC HEARING DATE**

**ALBANY PORT DISTRICT COMMISSION INDUSTRIAL PARK PROJECT (PORT OF ALBANY EXPANSION)
MARMEN / WELCON OFFSHORE WIND TOWER MANUFACTURING PLANT
SITE PLAN APPLICATION 21-00100006**

- WHEREAS, the Planning Board of the Town of Bethlehem has received a site plan application from the Albany Port District Commission, for the development of the Marmen/Welcon offshore wind tower manufacturing plant, comprising approximately 589,500sqft. of building space in total (Building A -D), located on 81.57 +/- acres located on the east side of Route 144 (River Road) between the Normans Kill and PSEG with the Hudson River located to the east. A Generic Environmental Impact Statement (GEIS) was previously prepared for the development of this land; and,
- WHEREAS, the Planning Board on May 5, 2020 adopted a resolution declaring the Final Generic Environmental Impact Statement for the Albany Port District Industrial Park Project (Port of Albany Expansion) complete, and on June 2, 2020 issued a Findings Statement; and,
- WHEREAS, now that a specific development project (off-shore wind tower manufacturing) and tenant have been identified, additional land area will be needed for project development, which was not included in the GEIS. This includes 14 acres of land located at 700 Smith Boulevard in the City of Albany for Building E (13,500sqft for material receiving), 2.5 acres of land owned by National Grid for employee parking, a building height of 100-feet, and impacts to subaquatic vegetation; and,
- WHEREAS, on July 6, 2021 the Planning Board declared that it will continue as Lead Agency for SEQR review and recognized that a project component (Building E) is located in the City of Albany, for which the Bethlehem Planning Board has no jurisdiction. The City of Albany Planning Board will conduct a site-specific SEQR analysis once the Bethlehem Planning Board has issued its Findings Statement; and,
- WHEREAS, also on July 6, 2021 the Planning Board issued a SEQR Positive Declaration due to the additional proposed project components which have the potential to create one or more significant adverse environmental impacts related to environmental justice, climate and air quality, traffic and transportation, water service (potable and fire protection), sanitary sewer, historical, cultural and archeological resources, aesthetic and visual resources, land use and zoning, community character and compatibility with comprehensive plan, emergency services, school district, fiscal and economic impact, recreation and open space and preparation of a Supplemental Draft Environmental Impact Statement (Supplemental DEIS), for which the applicant has consented, will enable the Planning Board to consider the potential effects; and,
- WHEREAS, the Albany Port District Commission has prepared a Supplemental DEIS dated October 2021 with supporting appendices, which was reviewed and considered by the Town's

consultant, Town Planning Staff and by the Town Planning Board with respect to its scope and content for the purpose of commencing public review.

NOW, THEREFORE, BE IT RESOLVED, by the Bethlehem Planning Board, as follows:

1. That, based upon its review of the Supplemental DEIS and supporting appendices and by using the final written scope and the standards contained in 6 NYCRR 617.9, the Planning Board hereby accepts the Supplemental DEIS as complete and adequate with respect to its scope and content for the purpose of commencing public review; and,
2. The Department of Economic Development and Planning is hereby authorized and directed to prepare, file and publish notice of this Determination as prescribed at 6 NYCRR 617.12; and,
3. Pursuant to 6 NYCRR 617.9(a)(3), written comments on the Supplemental DEIS will be accepted by the Planning Board until December 17, 2021; and,
4. Pursuant to 6 NYCRR 617.9(a)(4), a public hearing on the Supplemental DEIS is hereby scheduled and will be conducted by the Planning Board on December 7, 2021; and
5. In addition to the requirements of 6 NYCRR 617.12, the Supplemental DEIS shall be filed in the Bethlehem Public Library, Albany Housing Authority, and with Bethlehem Town Clerk, and posted on the Town website to ensure maximum public access to the document.

On a motion by Gianna Alezza, seconded by Radworth Anderson, and a vote of Four (4) for, Zero (0) against, One (1) abstention and Zero (0) absent, this RESOLUTION was adopted on November 16, 2021.

**PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK**

SEQR RESOLUTION

ACCEPTANCE OF THE SUPPLEMENTAL FINAL ENVIRONMENTAL IMPACT STATEMENT (SFEIS)

**ALBANY PORT DISTRICT COMMISSION INDUSTRIAL PARK PROJECT (PORT OF ALBANY EXPANSION)
MARMEN / WELCON OFFSHORE WIND TOWER MANUFACTURING PLANT
SITE PLAN APPLICATION 21-00100006**

- WHEREAS, the Planning Board of the Town of Bethlehem has received a site plan application from the Albany Port District Commission, for the development of the Marmen/Welcon offshore wind tower manufacturing plant, comprising approximately 589,500sqft. of building space in total (Building A -D), located on 81.57 +/- acres located on the east side of Route 144 (River Road) between the Normans Kill and PSEG with the Hudson River located to the east. A Generic Environmental Impact Statement (GEIS) was previously prepared for the development of this land; and,
- WHEREAS, the Planning Board on May 5, 2020 adopted a resolution declaring the Final Generic Environmental Impact Statement for the Albany Port District Industrial Park Project (Port of Albany Expansion) complete, and on June 2, 2020 Issued a Findings Statement; and,
- WHEREAS, now that a specific development project (off-shore wind tower manufacturing) and tenant have been identified, additional land area will be needed for project development, which was not included in the GEIS. This includes 14 acres of land located at 700 Smith Boulevard in the City of Albany for Building E (13,500sqft for material receiving), 2.5 acres of land owned by National Grid for employee parking, a building height of 100-feet, and impacts to subaquatic vegetation; and,
- WHEREAS, on July 6, 2021 the Planning Board declared that it will continue as Lead Agency for SEQR review and recognized that a project component (Building E) is located in the City of Albany, for which the Bethlehem Planning Board has no jurisdiction. The City of Albany Planning Board will conduct a site-specific SEQR analysis once the Bethlehem Planning Board has issued its Findings Statement; and,
- WHEREAS, also on July 6, 2021 the Planning Board issued a SEQR Positive Declaration due to the additional proposed project components which have the potential to create one or more significant adverse environmental impacts related to environmental justice, climate and air quality, traffic and transportation, water service (potable and fire protection), sanitary sewer, historical, cultural and archeological resources, aesthetic and visual resources, land use and zoning, community character and compatibility with comprehensive plan, emergency services, school district, fiscal and economic impact, recreation and open space and preparation of a Supplemental Draft Environmental Impact Statement (Supplemental DEIS), for which the applicant has consented, will enable the Planning Board to consider the potential effects; and,
- WHEREAS, the scope of the Supplemental DEIS shall be as set forth in the Scoping Document, dated July 1, 2021; and,
- WHEREAS, the Albany Port District Commission prepared a Supplemental DEIS dated October 2021 with supporting appendices;

- WHEREAS, based upon its review of the Supplemental DEIS and supporting appendices and by using the final written scope and the standards contained in 6 NYCRR 617.9, the Planning Board accepted the Supplemental DEIS as adequate with respect to its scope and content for the purpose of commencing public review on November 16, 2021 and scheduled a public hearing; and,
- WHEREAS, a public hearing was held on December 7, 2021 and written public comments were received through December 17, 2021; and,
- WHEREAS, a draft Final SEIS on the project was prepared by the applicant and submitted to the Planning Board, and said draft Final SEIS contained the comments that were received during the public hearing, public meeting, and public comment periods on the Supplemental DEIS, as well as responses to those comments, and all additional studies that were undertaken to respond to those comments; and,
- WHEREAS, prior to its final submission to the Planning Board, the draft Final SEIS has been reviewed by the Town's designated engineer for the project, MJ Engineering and Land Surveying, P.C. ("MJ Engineering"), and the Town Staff; and,
- WHEREAS, the Town's designated engineer, MJ Engineering, having reviewed the Final SEIS advised the Planning Board by letter, February 24, 2022, that the Final SEIS was complete and complied with all the requirements of SEQRA, and,
- WHEREAS, the Planning Board members both individually and collectively have carefully reviewed and thoroughly considered the Final Supplemental Environmental Impact Statement including, its summary of comments, responses to comments and additional studies.

NOW, THEREFORE, BE IT RESOLVED, by the Bethlehem Planning Board, as follows:

1. that the Final Supplemental Environmental Impact Statement for the Albany Port District Commission Industrial Park Project (Port of Albany Expansion) is hereby determined to be complete and in full compliance with the requirements of the SEQRA regulations, 6 NYCRR Part 617; and,
2. that the Town Department of Economic Development and Planning is hereby directed to (1) file and circulate the Final SEIS to the involved and interested agencies and any person requesting a copy as required by the SEQRA regulations along with the attached Notice of Completion of Final SEIS, and (2) file the Final SEIS at Bethlehem Town Hall – Town Clerk's office; and (3) post the Final SEIS on the Town website (Planning Board March 1, 2022 meeting webpage) to ensure public access to the document; and,
3. that the Planning Board shall allow for a period of time not less than ten days in length, from the date of filing the Notice of Completion, to consider the Final SEIS before issuing its written findings statement.

On a motion by Scott Lewendon, seconded by Radworth Anderson, and a vote of Four (4) for, Zero (0) against, One (1) abstention and Zero (0) absent, this RESOLUTION was adopted on March 1, 2022.

STATE ENVIRONMENTAL QUALITY REVIEW ACT
FINDINGS STATEMENT
Albany Port District Commission
Marmen – Welcon Offshore Wind Tower Manufacturing Plant

Supplement Environmental Impact Statement
Lead Agency: Town Bethlehem Planning Board
Date: March 15, 2022

The Town of Bethlehem Planning Board (the "Planning Board"), as Lead Agency pursuant to the State Environmental Quality Review Act (NY ECL Article 8 and its implementing regulations found at 6 NYCRR Part 617, collectively ("SEQRA")) hereby makes the following findings.

1.0 INTRODUCTION

Name of Action: Albany Port District Commission ("APDC") Port of Albany Marmen-Welcon Offshore Tower Manufacturing Plant Project.

The Albany Port District Commission (APDC) has identified the need to expand their current land holdings to continue to accommodate future growth and help New York State in achieving its renewable energy goals by providing additional port infrastructure, manufacturing space for the offshore wind industry, cargo and wharf capacity necessary for the manufacturing and distribution of offshore wind components. In order to continue fulfilling their mission to generate economic development for the region and to accommodate future growth, the APDC proposed the development of an 81.6-acre industrial site, to expand and provide additional port infrastructure, manufacturing space, cargo and wharf capacity ("the Expansion Project").

A Final Generic Environmental Impact Statement (GEIS) was prepared by the APDC and accepted by the Town of Bethlehem Planning Board (Lead Agency) on May 5, 2020, which analyzed and evaluated potential environmental impacts equally with social and economic factors associated with the conceptual development of the Expansion Project. The Project evaluated in the 2020 Final GEIS (FGEIS) included the following elements:

- +/- 1.13 million square feet of industrial space located on the APDC 81.6-acre expansion property, located in the Town of Bethlehem, with maximum building height of 85 feet
- Site infrastructure and utilities associated with the proposed development (e.g., stormwater, electric, sanitary, communications, etc.)
- +/- 1,200 linear foot (LF) wharf and associated dredging
- bridge over the Normans Kill
- offsite road improvements for site access

The FGEIS Findings Statement, adopted on June 2, 2020, established thresholds pursuant to SEQRA to be followed during the design, construction and operations phase of a future specific Project. However, if the Project exceeds the established thresholds or includes additional elements that were not contemplated as part of the FGEIS, a Supplemental EIS is necessary to update or evaluate additional potential environmental impacts not previously evaluated. Now that a specific Project has been defined, it was determined that the following Project components either exceed the thresholds established in the FGEIS or were not previously contemplated:

Project elements that exceed thresholds in the FGEIS:

- Increased maximum building height from 85 feet to approximately 110 feet

Project elements that were not contemplated during the preparation of the 2020 FGEIS; therefore, are now included as part of the proposed action and identified as "Supplemental Project Area":

- Development of 19,600 SF at 700 Smith Boulevard (14.7 acres) in the City of Albany.
- Disturbance of 4.4 acres on National Grid Parcel for 2.5 acre employee parking lot adjacent to the 81.6 acre site.
- Impacts to submerged aquatic vegetation (SAV).

As a result, a Supplemental Draft Environmental Impact Statement (SDEIS) was prepared by the APDC to identify, evaluate or update foreseeable potential environmental impacts, of the specific project components that were not previously contemplated, as applicable.

Furthermore, the SDEIS provided an update to wetland impacts previously discussed in the 2020 FGEIS.

As such, the Final Generic Environmental Impact Statement (FGEIS) and corresponding Findings Statement adopted on June 2, 2020 shall be incorporated into and made part of this Findings Statement.

Description of Action: The Action consists of building a 626,014 +/- square foot Offshore Wind (OSW) Tower manufacturing plant owned by the APDC and operated by the Marmen-Welcon joint venture. The manufacturing facility is spread out over five (5) separate buildings. The following is a breakdown of the function and size of each building:

1. Building A Plate Preparation & Welding (299,414 SF)
2. Building B Welding Finishing (111,189 SF)
3. Building C Blast Metallization Plant (132,014 SF)
4. Building D Internal Assembly finishing (61,647 SF)
5. Building E Material receiving (21,748 SF)

Tower production will occur within four (4) buildings (Buildings A thru D) located on the Port Expansion property located in the Town of Bethlehem. The fifth building (Building E) is located at 700 Smith Boulevard within the existing Port District in the City of Albany. The project includes building a new gated bridge over the Normans Kill to provide secure access for Marmen-Welcon owned delivery vehicles to and from the main production facility, where Buildings A thru D are located. This bridge will connect the production facilities with the 14.7-acre parcel at 700 Smith Boulevard where Building E (material receiving) is planned. Employee parking will be situated on the adjoining land owned by National Grid with access from existing River Road (NYS Rt. 144). The project includes a 500 linear foot by 93 feet wide wharf and associated dredging along the western bank of the Hudson River. The wharf will be used to ship completed tower component sections to the Offshore Wind Farm Developments in the Atlantic Ocean.

The Project facility is expected to employ up to 550 full time workers.

Project Location: 81.62 acres of vacant land at the Beacon Island site (tax map parcels 98.00-2-10.23 and 98.01-2-1.0) east of River Road (NYS Rt. 144), south of Normans Kill and north of PSEG property in the Town of Bethlehem, Albany County, NY ("Project Site"). Disturbance of 4.4 acres on the adjacent National Grid Parcel (tax parcel 98.00-2-10.21) and the 14.3 acres located at 700 Smith Boulevard, City of Albany (tax parcel 87.10-4-1).

Date Supplemental Final Environmental Impact Statement (FGEIS) Accepted: March 1, 2022